

An Act enabling and directing the Royal College of Dental Surgeons for Ontario to admit William May, John Joseph Sullivan and Ralsey Clark Davis, as Students in their Final Year.

WHEREAS William May, of the City of St. Catharines in the County of Lincoln, and Province of Ontario, John Joseph Sullivan, of the City of Toronto, in the County of York, and said Province, and Ralsey Clark Davis, of the Village of Smithville, in the said County of Lincoln, have set forth in their petition, that the said William May is a graduate of The Pennsylvania Dental College, and that he has been engaged in the practice of dentistry since the year 1892, and the said John Joseph Sullivan is a matriculant and graduate of the Chicago College of Dental Surgeons and has been engaged in the practice of dentistry for one year prior to this date, and that the said Ralsey Clark Davis is a graduate of the Detroit College of Dental Surgery and has been engaged in the practice of dentistry since June, 1901, and that they have become perfectly familiar with the work to be done by a regular dentist and have done such work and are now qualified to do all work to be done by a regularly licensed dentist, and have prayed that an Act may be passed enabling and directing The Royal College of Dental Surgeons for Ontario, to admit them as students in their final year; and whereas, the circumstance of the case appear to be exceptional; and, whereas, subject to the provisions hereinafter set forth, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Royal College of Dental Surgeons for Ontario is enabled and directed to admit the said William May, John Joseph Sullivan and Ralsey Clark Davis as students in their final year, and The Royal College of Dental Surgeons for Ontario shall admit the said William May, John Joseph Sullivan and Ralsey Clark Davis to practice as licentiates of dental surgery upon their passing the usual prescribed examinations for the final year, and upon paying the requisite fees in that behalf, any law, statute or usage to the contrary notwithstanding.

College of
Dental Sur-
geons to admit
W. May,
J. J. Sullivan,
and R. C.
Davis as
students in
their final
year.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act enabling and directing the Royal
College of Dental Surgeons for Ontario
to admit William May, John Joseph
Sullivan and Ralsey Clark Davis, as
students in their final year.

First Reading,	1902.
----------------	-------

(Private Bill.)

Mr. LOUGHRIN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Nepigon Railway Company.

WHEREAS the Nepigon Railway Company was incor- Preamble.
 porated by an Act passed by the Legislature of the
 Province of Ontario in the 62nd year of Her Majesty Queen
 Victoria's reign, and chapter 98, under the name of The Nepi-
 5 g n Railway Company, for the purpose of constructing and
 operating a railway from some point at or near Nepigon sta-
 tion, on the line of the Canadian Pacific Railway; thence in
 a northerly direction to the shore of Lake Nepigon, and branch
 lines not exceed ing twelve miles in length; and whereas the
 10 said company has, by its petition, prayed that an Act may be
 passed authorizing the said company to extend its proposed
 line of railway from the northern terminus thereof, as defined
 in the said Act of Incorporation, in a northerly direction to the
 Albany river; thence in a north-easterly direction by way of
 15 the valley of the Albany river by the most feasible route to
 James Bay, and southerly to some point on Nepigon Bay; and
 to construct and operate a branch line from some point on the
 proposed main line of the said railway between Nepigon Sta-
 tion and Lake Nepigon south-westerly to Port Arthur and
 20 Fort William; and whereas the said company has further, by
 its said petition, prayed that the time for commencing and
 completing the said proposed railway shall be extended; and
 whereas it is expedient that the prayer of the said petition
 should be granted;

25 Now therefore His Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. Sections 1, 2 and 4 of the Act passed in the 62nd year 62 V., c. 98,
 of Her Majesty Queen Victoria's reign, chapter 98, are repeal- ss. 1, 2, 4
 30 ed and the following substituted therefor:— repealed.

1. Paul Weidner, of the City of Detroit in the State of Incorporation.
 Michigan, one of the United States of America, pulp manufac-
 turer; Franklin S. Wiley, of the Town of Port Arthur, in the
 District of Thunder Bay, miner; Alexander J. McComber, of
 35 the same place, clerk; James Whalen, of the same place, con-
 tractor; M. B. Lloyd, of the City of Minneapolis in the State
 of Minnesota, manufacturer; Newton W. Rowell, of the City
 of Toronto in the County of York, solicitor; and James G.
 Shaw, of the same place, solicitor, together with all such persons
 40 and corporations as shall become shareholders in the company

hereby incorporated, shall be and are hereby constituted a body corporate and politic under the name of "The Nepigon Railway Company," hereinafter called the company.

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, or electricity, with single or double iron or steel tracks, from some point on Nepigon Bay, at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay; thence in a northerly direction by way of Lake Nepigon to the Albany River; and thence in a north-easterly direction by way of the valley of the Albany River, by the most feasible route to James Bay; and to construct and operate a branch line of the said railway from some point on the main line between Nepigon Station and Lake Nepigon in a south-westerly direction to Port Arthur and Fort William; and to construct and operate other branch lines of railway; none of such other branch lines to exceed twelve miles in length; and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railways, and any part thereof, so far as the same may be operated by electricity, may be carried along, and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same; and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the said road companies having interest in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Provisional
directors.

4. (1) The said Paul Weidner, Franklin S. Wiley, Alexander J. McComber, James Whalen, M. B. Lloyd, Newton W. Rowell and James G. Shaw shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors as to
changing pro-
visional board

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by, or on behalf of three provisional directors; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors. Meetings of provisional board.

2. Sub-section 5 of section 46 of the said Act is amended by adding to the said sub-section the following:—And with the consent of the Lieutenant Governor-in-Council, to enter upon, use, occupy and enjoy any unoccupied lands of the Crown, for all or any of the purposes aforesaid. 62 V. c. 98, s. 46, subs. 5, amended.
Entering on Crown lands

3. Section 50 of the said Act is amended by inserting after the words "railway company" in the third line thereof the following: The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company. 62 V., c. 98, s. 50, amended.

4. Section 51 of the said Act is amended by inserting after the words "railway company" in the third line thereof the following: The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company. 62 V., c. 98, s. 51, amended.

5. The said railway shall be commenced within three years from the date of the passing of this Act and finally completed within seven years after the passing of this Act; and section 55 of the said Act is hereby repealed. Time for commencement and completion.

No. 61.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The Nepigon Railway
Company.

First Reading,	1902.
----------------	-------

(Private Bill.)

Mr. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting The Nepigon Railway Company.

WHEREAS The Nepigon Railway Company was incor- Preamble.
 porated by an Act passed by the Legislature of the
 Province of Ontario in the 62nd year of Her Majesty Queen
 Victoria's reign, and chapter 98, under the name of The Nepi-
 gon Railway Company, for the purpose of constructing and
 operating a railway from some point at or near Nepigon sta-
 tion, on the line of the Canadian Pacific Railway; thence in
 a northerly direction to the shore of Lake Nepigon, and branch
 lines not exceeding twelve miles in length; and whereas the
 said company has, by its petition, prayed that an Act may be
 passed authorizing the said company to extend its proposed
 line of railway from the northern terminus thereof, as defined
 in the said Act of Incorporation, in a northerly direction to the
 Albany river; thence in a north-easterly direction by way of
 the valley of the Albany river by the most feasible route to
 James Bay, and southerly to some point on Nepigon Bay; and
 to construct and operate a branch line from some point on the
 proposed main line of the said railway between Nepigon Sta-
 tion and Lake Nepigon south-westerly to Port Arthur and
 Fort William; and whereas the said company has further, by
 its said petition, prayed that the time for commencing and
 completing the said proposed railway shall be extended; and
 whereas it is expedient that the prayer of the said petition
 should be granted;

Therefore His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

1. Sections 1, 2 and 4 of the Act passed in the 62nd year 62 V., c. 98,
 of Her Majesty Queen Victoria's reign, chapter 98, ~~and in-~~ ss. 1, 2, 4
 titled *An Act to incorporate The Nepigon Railway Com-* repealed.
pany, ~~are~~ are repealed and the following substituted therefor:—

1. Paul Weidner, of the City of Detroit in the State of Incorporation.
 Michigan, one of the United States of America, pulp manufac-
 turer; Franklin S. Wiley, of the Town of Port Arthur, in the
 District of Thunder Bay, miner; Alexander J. McComber, of
 the same place, clerk; James Whalen, of the same place, con-
 tractor; M. B. Lloyd, of the City of Minneapolis, in the State
 of Minnesota, ~~one of the United States of America,~~ ~~manu-~~
 facturer; Newton W. Rowell, of the City of Toronto in the
 County of York, solicitor; and James G. Shaw, of the same
 place, solicitor, together with all such persons and corporations
 as shall become shareholders in the company hereby incorpor-

ated, shall be and are hereby constituted a body corporate and politic under the name of "The Nepigon Railway Company," hereinafter called the company.

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, or electricity, with single or double iron or steel tracks, from some point on Nepigon Bay, at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay; thence in a northerly direction by way of Lake Nepigon to the Albany River, and thence in a north-easterly direction by way of the valley of the Albany River, by the most feasible route to James Bay, and to construct and operate a branch line of the said railway from some point on the main line between Nepigon Station and Lake Nepigon in a south-westerly direction to Port Arthur and Fort William, and to construct and operate other branch lines of railway, none of such other branch lines to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway, and the said railways, and any part thereof, so far as the same may be operated by electricity, may be carried along, and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies ^{and} (if any) interested ⁱⁿ in such highways, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, ^{and} *The Electric Railway Act* ^{and} and in *The Municipal Act*, ^{and} and any Act or Acts amending the same; Provided that *The Electric Railway Act* shall not apply to the company except in so far as the said railways are constructed along or upon a public highway. ^{and}

Rev. Stat.,
c. 209.

Rev. Stat.,
c. 223.

Provisional
directors.

4. (1) The said Paul Weidner, Franklin S. Wiley, Alexander J. McComber, James Whalen, M. B. Lloyd, Newton W. Rowell and James G. Shaw shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors as to
changing pro-
visional board.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be

provisional directors of the said company pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by, or on behalf of three provisional directors ; such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act ; and the said board of provisional directors may, from time to time, pass resolutions or by laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

Meetings of
provisional
board.

2. Sub-section 5 of section 46 of the said Act is amended by adding to the said sub-section the following :—And with the consent of the Lieutenant Governor-in-Council, to enter upon, use, occupy and enjoy any unoccupied lands of the Crown, for all or any of the purposes aforesaid.

62 V. c. 98,
s. 46, subs. 5,
amended.

Entering on
Crown lands

3. Section 50 of the said Act is amended by inserting after the words “ railway company ” in the third line thereof the following : The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company.

62 V.,
c. 98, s. 50,
amended.

4. Section 51 of the said Act is amended by inserting after the words “ railway company ” in the third line thereof the following : The Algoma Central Railway Company, or The Canada Northern Railway Company, and all other railways, the lines of which are approached or crossed by, or which approach or cross the line of railway of this company.

62 V.,
c. 98, s. 51
amended

5. The said railway shall be commenced within three years from the date of the passing of this Act, and finally completed within *five* years after the passing of this Act ; and section 55 of the said Act is hereby repealed.

Time for com-
mencement
and comple-
tion.

No. 61.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The Nipigon Railway
Company.

First Reading, 11th February, 1902.

Reprinted as amended by the Railway
Committee.

MT. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Wiarton.

WHEREAS the corporation of the Town of Wiarton has Preamble.
by its petition prayed for leave to aid in the construction of a beet sugar manufactory in the said town to the extent of \$25,000 by way of bonus to be granted to a company organized and incorporated for the said purpose under the name of "The Wiarton Beet Sugar Manufacturing Company, Limited," and also to fix the assessment of the property, both real and personal, of the said company for the period of nine years from the first day of January, 1903, at the sum of \$80,000; and whereas the by-law set forth in the schedule to this Act has been submitted to the ratepayers of the said town and duly passed by the council of the said town, and of the ratepayers voting on the said by-law, 343 voted for the said by-law and only 28 voted against the same; and whereas in and by the said by-law, provision is made for the erection and equipment of a sugar factory for the manufacture of sugar from sugar beets, upon which shall be expended at least the sum of \$275,000, and that the said company shall carry on operations in connection with the said sugar factory for an average of at least one hundred working days in each year, accidents and other circumstances beyond their control excepted; and whereas it has been made to appear that the said Town of Wiarton is situated in a section of the province exceptionally favorable for the production of sugar beets, and with unusual advantages and facilities for bringing the same to the factory from the surrounding country; and whereas the amount of the expenditure to be made on the said works, plant and equipment is very large in comparison with the amount of the bonus of \$25,000 authorized by the said by-law, and the ratepayers appear to be nearly unanimous in an earnest desire to assist in manner aforesaid in establishing the said industry; and whereas it has been made to appear that the Wiarton Beet Sugar Manufacturing Company, Limited, has commenced the erection of a beet sugar factory upon lands part of which lie within the limits of the said town and part in the Township of Keppel in the County of Grey, immediately adjoining the limits of the said town, upon the promise of the said Municipal Council of the Town of Wiarton that steps would be taken to bring the whole of the said lands upon which said factory is being erected within the limits of the town; and whereas at the request and with the consent of

the owners of said portion of said lands whereon said factory is being erected an application has been made by the said council and is now pending to bring the whole of said lands within the limits of said town; and whereas the erection of the said factory was commenced upon a further promise of the said town to pass a by-law for granting a bonus to the said The Wiarton Beet Sugar Manufacturing Company, Limited, of \$25,000; and whereas the requirements of the provisions of *The Municipal Act* have been fully complied with in all respects, saving and excepting that a portion of the lands upon which The Wiarton Beet Sugar Manufacturing Company, Limited, is erecting its beet sugar factory are outside of the limits of the said Town of Wiarton, and saving and excepting that the annual levy for principal and interest under the said by-law will, with the payment of a similar bonus already granted by the said municipality, exceed ten per cent of the total annual municipal taxation of the said town: and whereas the establishment of the beet sugar industry in this province is a matter of general public interest and importance, and provision has been made for aiding and encouraging said industry by provincial subsidy in that behalf; and whereas the circumstances of the case are quite exceptional, and no opposition has been offered to the said petition; and whereas it is expedient to confirm the said by-law, subject to the terms and conditions hereinafter set forth:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 203 of
Town of
Warton con-
firmed.

1. Subject to the provisions hereinafter contained, By-law Number 203 of the municipal corporation of the Town of Wiarton, set forth as Schedule A to this Act, is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing same or otherwise; and the said corporation of the Town of Wiarton is hereby authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued or to be issued under the said by-law are hereby declared legal and binding upon the said municipality; and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

Assessment of
Warton Beet
Sugar Manfg.
Co., fixed.

2. The assessment of the property, both real and personal, of the said The Wiarton Beet Sugar Manufacturing Company, Limited, is hereby fixed for the period of nine years from the first day of January, 1903, at the sum of \$80,000; provided, however, that this section shall not come into force and effect unless the other provisions of the said by-law as to granting the said bonus of \$25,000 are carried out by the said corporation of the Town of Wiarton.

BY-LAW No. 203.

A By-law for granting aid, by way of bonus, for the promotion of the establishment of a Beet Sugar Factory within the limits of the Corporation of the Town of Wiarton.

Whereas the Wiarton Beet Sugar Manufacturing Company (Limited) has applied to the municipal council of the said corporation of the Town of Wiarton to aid the said company by granting it by way of bonus the sum of \$25,000 in lieu of the six annual payments of \$800 each granted by by-law No. 127 of the said Town of Wiarton, confirmed by chapter 106 of the Statutes passed by the Legislature of the Province of Ontario in the 3rd session of the 63rd year of the reign of Her late Majesty, Queen Victoria, and to fix the assessment of the property, real and personal, of the said company within the limits of the said corporation at \$80,000 for the nine years, in lieu of the total exemption as provided by said by-law No. 127, commencing January 1st, 1903, on condition that the said company erect a beet sugar factory within the limits of the corporation of the Town of Wiarton, to be finished and completed with buildings costing at least \$75,000, and equipped with machinery costing at least \$200,000, the company agreeing after the factory has commenced operations to run the same at least 100 days in the year, and during such time employ 150 persons or employees; the said company entering into a written agreement with the said corporation to do all things hereinbefore mentioned to be done on their part, and that on failure in performance of any one or more of said conditions, the said company shall repay to the said corporation the said bonus or so much as shall have been paid to the said company:—

Provided that if 150 hands on an average are not employed during the time the factory is in operation in each year, the said company may pay interest on said sum of \$25,000 at 5 per cent. per annum for that year, and in that case the foregoing conditions of this by-law shall not be considered as broken.

Provided further, that if said factory ceases to be run for a period of at least 100 days in any year and said company then pay said corporation interest on the said sum of \$25,000 at five per cent. per annum for that year, said conditions shall not be considered as broken.

Provided that the said bonus or any part thereof shall not be paid unless and until the lands upon which the said factory shall be erected are incorporated with or form a part of the corporation of the Town of Wiarton.

Provided that the said company shall not remove any of its machinery or plant, except in the way of repairs, renewal or replacing same, from out of the limits of the corporation of the said town for a period of ten years from January 1st, 1902.

Provided that such a bonus shall be paid to the said company in instalments as follows:—\$5,000 when the walls of the first story of the factory are erected; \$5,000 when the walls of the second story are erected; \$5,000 when the walls of the third story are erected, and \$10,000 when the walls of the fourth story are erected:—

And whereas it is advisable that the Town of Wiarton should grant a bonus of \$25,000 to The Wiarton Beet Sugar Manufacturing Company (Limited), in aid of the said company as requested:

And whereas in order thereto it will be necessary to issue debentures of the Town of Wiarton for the sum of \$25,000 as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures,

said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period ;

And whereas the total amount required by *The Municipal Act*, to be raised annually by special rate, for paying the said debt and interest as hereinafter provided is \$1,839.55 ;

And whereas the amount of the whole rateable property of the said Town of Wiarton is \$436,383 according to the last revised assessment roll ;

And whereas the amount of the existing debenture debt of the said Town of Wiarton is \$75,518.26, no part of which either for principal or interest is in arrears ;

Be it therefore enacted, and it is hereby enacted, by the municipal council of the corporation of the Town of Wiarton as follows :—

1. A bonus of \$25,000 is hereby granted by the Town of Wiarton to the Wiarton Beet Sugar Manufacturing Company, Limited, in aid of the said company, upon the above recited terms and conditions ; and for the purpose of raising the said sum debentures of the said Town of Wiarton to the amount of \$25,000 as aforesaid shall be issued in sums of not less than \$100 each on the first day of June, 1902, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Union Bank of Canada in the said Town of Wiarton ;

2. Each of the said debentures shall be signed by the Mayor of the said Town of Wiarton or by some other person authorized by by-law to sign the same, and also by the treasurer of the said town of Wiarton, and the clerk of the said Town of Wiarton shall attach thereto the corporate seal of the municipality ;

3. The said debentures shall bear interest at the rate of four per centum per annum payable yearly at said bank on the first day of June in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the mayor and treasurer of the said Town of Wiarton.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Wiarton the sum of \$1,839.55 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt, as follows :—

Year.	Interest.	Principal.	Total am't each year.
1902.....	\$1,000 00	\$839 55	\$1,839 55
1903.....	966 42	873 13	
1904.....	931 50	908 05	
1905.....	895 18	944 37	
1906.....	857 41	982 14	
1907.....	818 12	1,021 43	
1908.....	777 26	1,062 29	
1909.....	734 77	1,104 78	
1910.....	690 58	1,148 97	
1911.....	644 62	1,194 93	
1912.....	596 82	1,242 73	
1913.....	547 11	1,292 44	
1914.....	495 41	1,344 14	
1915.....	441 64	1,397 91	
1916.....	385 73	1,453 82	
1917.....	327 58	1,511 97	
1918.....	267 10	1,572 45	
1919.....	204 20	1,635 35	
1920.....	138 79	1,700 76	
1921.....	70 76	1,768 79	

5. This by-law shall take effect on the first day of June, 1902.

6. The assessment of the property, both real and personal, of the said The Wiarton Beet Sugar Manufacturing Company, Limited, is hereby fixed for the period of nine years from January 1st, 1903, at the sum of \$80,000. This clause shall not come into effect unless the other provisions of this by-law as to granting the bonus of \$25,000 comes into effect.

7. A poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon at the times and places, that is to say, on Monday, the 6th day of January, 1902 at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day, the places being those at which elections of the members of the council of said town are held, and that the following persons shall be respectively the deputy returning officers, namely:—

North Ward, at the Wiarton Beet Sugar Co.'s office, lot 2. W. B. S. D.—Thomas C. Allan, deputy returning officer.

East Ward, at George Field's house, lot 18, E. B. S. D.—C. F. Campbell, deputy returning officer.

West Ward, at the council chamber, lot 13, W. B. S. D.—W. J. Ferguson, deputy returning officer.

9. On Saturday, the 4th day of January, A.D. 1902, the mayor of the said town shall attend at the council chamber at twelve o'clock noon, to appoint persons to attend at the various polling places; and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

10. The clerk of the council of the said town shall attend at the town hall, in the council chamber, at twelve o'clock noon, on the 7th day of January, 1902, and sum up the number of votes given for and against this by-law.

11. Excepting so far as it is necessary to support debentures already issued, and to preserve the rights and liabilities arising or existing thereunder before the coming into force of this by-law, the said recited by-law Number 127 of the said town of Wiarton is hereby repealed.

Dated at the Town of Wiarton this 20th day of January, A.D. 1902.

WILLIAM BERNIE, Mayor.

W. J. FERGUSON, Clerk.

No. 62.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Town of Warton.

First Reading,	1902.
----------------	-------

(Private Bill.)

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Wiarton.

WHEREAS the Corporation of the Town of Wiarton has Pre. mble. by petition shewn that the council of the said town did on the 20th day of January, 1902, pass By-law No. 203 of the said town intituled "A by-law granting aid by way of bonus for the promotion of the establishment of a beet-sugar factory within the limits of the Corporation of the Town of Wiarton," which by-law is set forth in the schedule to this Act, and that the said by-law has been submitted to, and has received the assent of more than three-fifths of the ratepayers of the said town and that The Wiarton Beet Sugar Manufacturing Company, Limited, has commenced the erection of a beet sugar factory upon lands part of which lie within the limits of the said town and part in the Township of Keppel in the County of Grey, immediately adjoining the limits of the said town, upon the promise of the Municipal Council of the Town of Wiarton that steps would be taken to bring the whole of the said lands upon which said factory is being erected within the limits of the town; and that at the request and with the consent of the owners of the said lands whereon the said factory is being erected an application has been made by the said council and is now pending to bring the whole of the said lands within the limits of the said town; and that the erection of the said factory was commenced upon a further promise of the said town to pass a by-law for granting a bonus to The Wiarton Beet Sugar Manufacturing Company, Limited, of \$25,000; and that the requirements of the provisions of *The Municipal Act* have been fully complied with in all respects, saving and excepting that a portion of the lands upon which The Wiarton Beet Sugar Manufacturing Company, Limited, is erecting its beet sugar factory are outside of the limits of the Town of Wiarton, and saving and excepting that the annual levy for principal and interest under the said by-law will, with the payment of a similar bonus already granted by the said municipality, somewhat exceed ten per cent of the total annual municipal taxation of the said town; and whereas the said corporation has by petition prayed that an Act may be passed to confirm and legalize the said by-law and to confirm the assessment of the said company at \$80,000 for a period of nine years from the first day of January, 1903, and whereas the establishment of the beet sugar industry in this Province is a matter of general public

interest and importance, and provision has been made for aiding and encouraging this said industry by provincial subsidy in that behalf; and whereas the circumstances of the case are quite exceptional, and no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 203 of
Town of
Wiarton con-
firmed.

1. Subject to the provisions hereinafter contained, By-law Number 203 of the Municipal Corporation of the Town of Wiarton, set forth as Schedule A to this Act, is confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same or otherwise; and the Corporation of the Town of Wiarton is authorized and empowered to issue debentures as provided by the said by-law, and the said debentures so issued or to be issued under the said by-law are declared to be legal and binding upon the said municipality; and the said corporation is authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

Assessment of
Wiarton Beet
Sugar Manfg.
Co., fixed.

2. The assessment of the property, both real and personal, of The Wiarton Beet Sugar Manufacturing Company, Limited, is fixed for the period of nine years from the first day of January, 1903, at the sum of \$80,000; provided, however, that this section shall not come into force and effect unless the other provisions of the said by-law as to granting the said bonus of \$25,000 are carried out by the Corporation of the Town of Wiarton.

SCHEDULE.

BY-LAW No. 203.

A By-law for granting aid, by way of bonus, for the promotion of the establishment of a Beet Sugar Factory within the limits of the Corporation of the Town of Wiarton.

Whereas the Wiarton Beet Sugar Manufacturing Company (Limited) has applied to the municipal council of the said corporation of the Town of Wiarton to aid the said company by granting it by way of bonus the sum of \$25,000 in lieu of the six annual payments of \$800 each granted by by-law No. 127 of the said Town of Wiarton, confirmed by chapter 106 of the Statutes passed by the Legislature of the Province of Ontario in the 3rd session of the 63rd year of the reign of Her late Majesty, Queen Victoria, and to fix the assessment of the property, real and personal, of the said company within the limits of the said corporation at \$80,000 for the nine years, commencing January 1st, 1903, in lieu of the total exemption

as provided by said by-law No. 127, on condition that the said company erect a beet sugar factory within the limits of the corporation of the Town of Wiarton, to be finished and completed with buildings costing at least \$75 000, and equipped with machinery costing at least \$200,000, the company agreeing after the factory has commenced operations to run the same at least 100 days in the year, and during such time to employ 150 persons or employees ; the said company entering into a written agreement with the said corporation to do all things hereinbefore mentioned to be done on their part, and that on failure in performance of any one or more of said conditions, the said company shall repay to the said corporation the said bonus or so much as shall have been paid to the said company :—

Provided that if 150 hands on an average are not employed during the time the factory is in operation in each year, then said company may pay interest on said sum of \$25,000 at 5 per cent. per annum for that year, and in that case the foregoing conditions of this by-law shall not be considered as broken.

Provided further, that if said factory ceases to be run for a period of at least 100 days in any year and said company then pay said corporation interest on the said sum of \$25,000 at five per cent. per annum for that year, said conditions shall not be considered as broken.

Provided that the said bonus or any part thereof shall not be paid unless and until the lands upon which the said factory shall be erected are incorporated with or form a part of the corporation of the Town of Wiarton.

Provided that the said company shall not remove any of its machinery or plant, except in the way of repairs, renewal or replacing the same, from out of the limits of the corporation of the said town for a period of ten years from January 1st, 1902.

Provided that such bonus shall be paid to the said company in instalments as follows :—\$5,000 when the walls of the first story of the factory are erected ; \$5,000 when the walls of the second story are erected ; \$5,000 when the walls of the third story are erected, and \$10,000 when the walls of the fourth story are erected :—

And whereas it is advisable that the Town of Wiarton should grant a bonus of \$25,000 to The Wiarton Beet Sugar Manufacturing Company (Limited), in aid of the said company as requested :

And whereas in order thereto it will be necessary to issue debentures of the Town of Wiarton for the sum of \$25,000 as hereinafter provided, (which is the amount of the debt intended to be created by this by-law) the proceeds of the said debentures to be applied to the said purpose and to no other ;

And whereas it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable by yearly sums during the period of twenty years, being the currency of the said debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of said debt shall be as nearly as possible equal to the amount so payable in each of the other nineteen years of the said period ;

And whereas the total amount required by *The Municipal Act*, to be raised annually by special rate, for paying the said debt and interest as hereinafter provided is \$1,839.55 ;

And whereas the amount of the whole rateable property of the said Town of Wiarton is \$436,388 according to the last revised assessment roll ;

And whereas the amount of the existing debenture debt of the said Town of Wiarton is \$75,518.26, no part of which either for principal or interest is in arrears ;

Be it therefore enacted, and it is hereby enacted, by the municipal council of the corporation of the Town of Wiarton as follows :—

1. A bonus of \$25,000 is hereby granted by the Town of Wiarton to the Wiarton Beet Sugar Manufacturing Company, Limited, in aid of the said company, upon the above recited terms and conditions; and for the purpose of raising the said sum debentures of the said Town of Wiarton to the amount of \$25,000 as aforesaid shall be issued in sums of not less than \$100 each on the first day of June, 1902, each of which debentures shall be dated on the date of the issue thereof and shall be payable within twenty years thereafter at the Union Bank of Canada in the said Town of Wiarton;

2. Each of the said debentures shall be signed by the Mayor of the said Town of Wiarton or by some other person authorized by by-law to sign the same, and also by the treasurer of the said town of Wiarton, and the clerk of the said Town of Wiarton shall attach thereto the corporate seal of the municipality;

3. The said debentures shall bear interest at the rate of four per centum per annum payable yearly at said bank on the first day of June in each and every year during the currency thereof, and shall have attached to them coupons for the payment of the said interest, which coupons shall be signed by the mayor and treasurer of the said Town of Wiarton.

4. During the currency of the said debentures there shall be raised annually by special rate on all the rateable property in the said Town of Wiarton the sum of \$1,839.55 for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt, as follows:—

Year.	Interest.	Principal.	Total am't each year.
1902.....	\$1,000 00	\$839 55	\$1,839 55
1903.....	966 42	873 13	
1904.....	931 50	908 05	
1905.....	895 18	944 37	
1906.....	857 41	982 14	
1907.....	818 12	1,021 43	
1908.....	777 26	1,062 29	
1909.....	734 77	1,104 78	
1910.....	690 58	1,148 97	
1911.....	644 62	1,194 93	
1912.....	596 82	1,242 73	
1913.....	547 11	1,292 44	
1914.....	495 41	1,344 14	
1915.....	441 64	1,397 91	
1916.....	385 73	1,453 82	
1917.....	327 58	1,511 97	
1918.....	267 10	1,572 45	
1919.....	204 20	1,635 35	
1920.....	138 79	1,700 76	
1921.....	70 76	1,768 79	

5. This by-law shall take effect on the first day of June, 1902.

6. The assessment of the property, both real and personal, of the said The Wiarton Beet Sugar Manufacturing Company, Limited, is hereby fixed for the period of nine years from January 1st, 1903, at the sum of \$80,000. This clause shall not come into effect unless the other provisions of this by-law as to granting the bonus of \$25,000 comes into effect.

7. A poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon at the times and places, that is to say, on Monday, the 6th day of January, 1902, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day, the places being those at which elections of the members of the council of said town are held, and that the following persons shall be respectively the deputy returning officers, namely:—

North Ward, at the Wiarton Beet Sugar Co.'s office, lot 2, W. B. S. D.
—Thomas C. Allan, deputy returning officer.

East Ward, at George Field's house, lot 18, E. B. S. D.—C. F. Campbell, deputy returning officer.

West Ward, at the council chamber, lot 13, W. B. S. D.—W. J. Ferguson, deputy returning officer.

9 On Saturday, the 4th day of January, A.D. 1902, the mayor of the said town shall attend at the council chamber at twelve o'clock noon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of this by-law.

10. The clerk of the council of the said town shall attend at the town hall, in the council chamber, thereof at twelve o'clock noon, on the 7th day of January, 1902, and sum up the number of votes given for and against this by-law.

11. Excepting so far as it is necessary to support debentures already issued, and to preserve the rights and liabilities arising or existing thereunder before the coming into force of this by-law, the said recited by law Number 127 of the said town of Wiarton is hereby repealed.

Dated at the Town of Wiarton this 20th day of January, A.D. 1902.

WILLIAM BERNIE, Mayor.
W. J. FERGUSON, Clerk.

No. 62.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Town of Warton.

First Reading, 17th February, 1902.

(Reprinted as amended in Private Bill
Committee.)

Mr. BOWMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate the Lake Superior, Long Lake
and Albany River Railway Company.

WHEREAS Samuel T. Clarke of the City of Chicago, in the State of Illinois, Henry S. Cane of the Town of Newmarket in the County of York, manufacturer; John W. Cheeseworth of the City of Toronto in the County of York, gentleman; F. J. Andrews of the said City of Toronto, broker; Andrew Yule of the Town of Aurora in the said county, gentleman; and Mark J. Paterson, the elder, of the said City of Toronto, explorer, have petitioned for an Act to incorporate a company for the purpose of constructing and operating a railway, and for other purposes as hereinafter in this Act authorized; and whereas it has been represented that the line of the railway of the company so to be incorporated will for the most part be constructed in the unorganized part of the province; and whereas it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by electricity; and whereas, for the reasons aforesaid, the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Samuel T. Clarke, Henry S. Cane, John W. Cheeseworth, F. J. Andrews, Andrew Yule and Mark J. Paterson, together with such other persons and corporations as shall hereinafter become shareholders of the company hereby incorporated, are hereby constituted a body, corporate and politic under the name of "The Lake Superior, Long Lake and Albany River Railway Company," hereinafter called "The Company."

2. The said company shall have full power and authority to survey and lay out, construct, complete equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks from some point at or near Pen-

isular Harbour in the Township of Pic in the District of Thunder Bay in a northerly direction to Long Lake, and from thence to Martin's Falls on the Albany River, with power to construct a branch line from the said line of railway commencing at the head of Long Lake; thence northeasterly on the Kenogami River to at or near Pembina Island and from thence to the forks of the said Kenogami and Albany Rivers, and from thence to the Hudson's Bay at or near the mouth of the Albany River.

Gauges.

3. The guage of the said railway shall be four feet eight 10 and one-half inches.

Provisional directors.

4. The said Samuel T. Clarke, Henry S. Cane, John W. Cheeseworth, F. J. Andrews, Andrew Yule and Mark J. Paterson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the 15 said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of 20 stock for the undertaking, and to allot the stock and receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift, 25 made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the 30 board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a 35 portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking and in such allocation the said directors 40 may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the City of Toronto in the County of York, or at such other place as may best 45 suit the interest of the said company.

Conveyance of land to company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall

be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

10 7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscription for stock when binding.

15 8 The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to railway.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act* of Ontario), to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised, together with the proceeds of the debenture stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized. and the remainder of said money shall be applied to the making, equipping completing, and maintaining of the said railway, and to the other purposes of this Act. Capital stock.
Rev. Stat.
c. 207.

35 10. When, and as soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the said provisional directors, or a majority of them, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said City of Toronto, of the time, place and purpose of said meeting. First election of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting Number of directors and quorum.

have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than seven persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

Rev. Stat.
c. 207.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

Rights of
aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors of the company.

Calls on stock.

15. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one

time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

16. The provisional directors or the elected directors may
 5 pay or agree to pay in paid up stock, debenture stock or
 in the bonds of the company, such sums as they may deem
 expedient, to engineers or contractors, or for right of way, or
 material, plant or rolling stock, and also when sanctioned by
 a vote of the shareholders at any general meeting, for the
 10 services of the promoters or other persons who may be em-
 ployed by the directors in furthering the undertaking, or for
 the purchase of right of way, material, plant or rolling stock,
 whether such promoters or other persons be provisional or
 elected directors or not, and any agreement so made shall be
 15 binding on the company.

Payments in
stock or
bonds

17. The head office of the company shall be at the said
 City of Toronto, and the general annual meeting of the share-
 holders of the said company shall be held in such place in the
 20 said City of Toronto on such days and at such hours as may
 be directed by the by-laws of the company; and public notice
 thereof shall be given at least four weeks previously in the
Ontario Gazette, and once a week in one newspaper published
 in the said City of Toronto during the four weeks immediately
 25 preceding the week in which such meeting is to take place.

Head office,
general
annual
meeting.

18. Special general meetings of the shareholders of the
 company may be held at such places and at such times and in
 such manner and for such purposes as may be provided by the
 by-laws of the company, and upon such notice as is provided
 30 in the last preceding section.

Special gen-
eral meetings.

19. At all meetings of the company the shareholders there-
 of may vote by proxy and the proxy may be appointed in such
 manner and by such means as the by-laws of the company may
 provide, but no person shall be qualified to be so appointed
 35 who is not himself a shareholder in the company.

Proxies.

20. The directors of the company shall have power to issue
 bonds of the company for the purpose of raising money for
 prosecuting the said undertaking, but the whole amount of the
 issue of such bonds shall not exceed in all the sum of \$20,000
 40 for each mile of the said railway and branches, and the pro-
 visions of sub-sections 19, 20, 21, 22 and 23 of section 9 of
The Railway Act of Ontario shall apply to all such bonds and
 the issue thereof, and such bonds shall be issued subject and
 according to, and in conformity with the provisions of the
 45 said sub sections.

Issue of
bonds.

Rev. Stat.
c. 207.

21. All such bonds, debentures and other securities and
 coupons and interest warrants thereon respectively, may be
 made payable to bearer and transferable by delivery, and any

Bonds, etc.,
how payable.

Transfer of
bonds.

holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president or general manager of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging
or pledging
bonds.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, or debentures which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages; rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

Telegraph and
telephone
lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided that no poles shall be erected in the construction of either of the said lines in or through any

city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 207.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring material for construction.

Rev. Stat. c. 207.

28.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of 50 years or permanently, as the company may think proper; and

Sidings to gravel pits.

Rev. Stat. c. 207.

he powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207,

(2) When estimating the damages for the taking of gravel, 5
stone, earth or sand, subsection 9 of section 20 of *The Railway
Act of Ontario* shall not apply.

Mining
powers.

Rev. Stat.,
c. 197.

29.—(1) The company may exercise all the powers of a min-
ing company as set forth in Section 4 of *The Ontario Mining
Companies Incorporation Act*, but none of the other provis- 10
ions contained in the said Act shall apply to the said company.

Rev. Stat.
c. 207.

(2) Nothing in this Act contained shall be deemed to confer
upon the company any power to enter upon or take lands for
the puposes of this section without the consent of the owners
or occupiers of such lands first had and obtained, nor shall the 15
compulsory clauses of *The Railway Act of Ontario* apply to
this section.

(3) The Lieutenant-Governor in Council may, whenever he
deems expedient, by Order in Council, make and prescribe
regulations relating to the operation by the company of smelt- 20
ters, reduction and other works for the purpose of crushing,
washing, roasting, smelting, assaying, analyzing, reducing, re-
fining, amalgamating and otherwise treating all kinds of ores,
metals, minerals and their products, and relating to the tolls,
rates and charges for the use of such works and regulating 25
the maximum and minimum rates, tolls and charges which the
company shall be entitled to exact for the use of the said works.

General
powers of Co.

30. The company shall have power and authority :—

Warehouses,
docks, &c.

(1) To purchase land for and erect power-houses, ware-
houses, elevators, docks, stations, work shops, machine shops, 30
foundries and offices, and to sell and convey such land as may
be found superfluous for any such purpose, and the company
shall have power to build, own, operate and hold as part of the
property of the said company as many steam or other vessels
as the directors of the company may deem requisite from time 35
to time to facilitate the carriage of passengers, freight and
other traffic in connection with the railway ;

Erect neces-
sary buildings
wharfs, etc.

(2) To erect and maintain all necessary and convenient
buildings, stations, depots, wharves and fixtures, and from
time to time to alter, repair or enlarge the same, and to build, 40
purchase and acquire motors, engines, carriages, waggons and
other machinery and contrivances necessary or convenient for
the working of the railway and the accommodation and use of
the passengers, freight and business of the railway ;

Powers as to
production
and use of
electricity.

(3) To construct, maintain and operate works for the pro- 45
duction of electricity for the motive power of the said railways
and for the lighting and heating the rolling stock and other
property of the company ;

(4) To sell or lease any such electricity not required for the purpose aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection ;

Lease or sell electricity not required for railway.

Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring rights for conveying electricity.

31.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction of railway on streets.

(2) The by-laws mentioned in subsection 5 of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat. c. 223, s. 632.

Power to
erect snow
fences.

32. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following. 10

Authority to
enter into
agreements
with other
companies

33. It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Ontario and the Canadian Northern Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred: provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting. 15 20 25 30 35 40

Amalgamation.

34. The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company and the Canadian Northern Railway Company, if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy 45 50

at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this province.

35. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

36. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges of goods.

37. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat. c. 207.

38. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act. Commencement and completion of line.

SCHEDULE A.

(Section 6.)

Know all men by these present that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ _____ paid to me (or us) by the company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ _____, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land), the same having been

selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said the railway company, their successors and assigns forever, *(here insert any other clauses, conditions and covenants required)* and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this
 day of _____, one thousand nine hundred
 Signed, sealed and delivered
 the presence of

[L.S.]

No. 63.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act to incorporate the Lake Superior,
Long Lake and Albany River Railway
Company.

First Reading, , 1902

(Private Bill)

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Lake Superior, Long Lake
and Albany River Railway Company.

WHEREAS Samuel T. Clarke of the City of Chicago, in the State of Illinois, Henry S. Cane of the Town of Newmarket in the County of York, manufacturer; John W. Cheeseworth of the City of Toronto in the County of York, gentleman; F. J. Andrews of the said City of Toronto, broker; Andrew Yule of the Town of Aurora in the said county, gentleman; and Mark J. Paterson, the elder, of the said City of Toronto, explorer, have *by their petition prayed* for an Act of incorporation ^{as} under the name of The Lake Superior, Long Lake and Albany River Railway Company ^{as} for the purpose of constructing and operating a railway ^{as} from some point at or near Peninsular Harbour in the Township of Pic in the District of Thunder Bay, in a northerly direction to Long Lake, and from thence to Martin's Falls on the Albany River, with power to construct a branch line from the said line of railway commencing at the head of Long Lake; thence northeasterly on the Kenogami River to, at or near Pembina Island, and from thence to the forks of the said Kenogami and Albany Rivers, and from thence to the Hudson's Bay at or near the mouth of the Albany River, ^{as} and for other purposes as hereinafter in this Act authorized; and whereas it has been represented that the line of the railway of the company so to be incorporated will for the most part be constructed in the unorganized part of the province; and whereas it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by *steam*; and whereas, for the reasons aforesaid, the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation. 1. Samuel T. Clarke, Henry S. Cane, John W. Cheeseworth, F. J. Andrews, Andrew Yule and Mark J. Paterson, together with such other persons and corporations as shall hereinafter become shareholders of the company hereby incorporated, are hereby constituted a body, corporate and politic under the name of "The Lake Superior, Long Lake and Albany River Railway Company," hereinafter called "The Company."

Location of line.

2. The said company shall have full power and authority to survey and lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks from some point at or near Peninsular Harbour in the Township of Pic in the District of Thunder Bay in a northerly direction to Long Lake, and from thence to Martin's Falls on the Albany River, with power to construct a branch line from the said line of railway commencing at the head of Long Lake; thence northeasterly on the Kenogami River to at or near Pembina Island and from thence to the forks of the said Kenogami and Albany Rivers, and from thence to the Hudson's Bay at or near the mouth of the Albany River; and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same; provided that *The Electric Act* shall not apply to the company except in so far as the railway is constructed along or upon a public highway.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Samuel T. Clarke, Henry S. Cane, John W. Cheeseworth, F. J. Andrews, Andrew Yule and Mark J. Paterson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and receive

payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same, and to cause plans and surveys to be made; and to receive for the company any grant, loan, bonus or gift, made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock who in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held in the City of Toronto in the County of York, or at such other place as may best suit the interest of the said company.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of
land to
company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription
for stock when
binding.

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

Capital stock.

Rev. Stat.
c. 207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act* of Ontario), to be divided into 10,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised, shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized. and the remainder of said money shall be applied to the making, equipping completing, and maintaining of the said railway, and to the other purposes of this Act.

First election
of directors.

10. When, and as soon as shares, to the amount of \$100,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the said provisional directors, or a majority of them, shall call a general meeting of the shareholders, for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said City of Toronto, of the time, place and purpose of said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto, with

Rev. Stat.
c. 207.

respect to "plans and surveys" by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of their whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

15. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act. Calls on stock

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose. Directors empowered to pay in stock.

Head office,
general
annual
meeting.

17. The head office of the company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special gen-
eral meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Proxies.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Issue of
bonds.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub sections.

Rev. Stat.
c. 207.

Bonds, etc.,
how payable.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of
bonds.

Negotiable
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president or *treasurer* of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same

unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Mortgaging
or pledging
bonds.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on; ~~and~~ provided that no such agreement shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting specially called for that purpose.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Telegraph and
telephone
lines.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same

Power to
purchase
whole lots.

Rev. Stat.
c. 207.

at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring
material for
construction.

Rev. Stat.
c. 207.

27. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

Rev. Stat.
c. 207.

28.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207,

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

General
powers of
Company.

29. The company shall have power and authority:—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway ;

Warehouses,
docks, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggon and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

Erect neces-
sary buildings
wharfs, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railways and for the lighting and heating the rolling stock and other property of the company ;

Powers as to
production
and use of
electricity.

(4) To sell or lease in the unorganized territory and in any municipality where such sale or lease is authorized by by-law of the council of the municipality, and subject to the terms and conditions of such by-law, any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection ;

Lease or sell
electricity not
required for
railway.

Rev. Stat.
c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring
rights for
conveying
electricity.

Construction
of railway on
streets.

30.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of *section 2* of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway, or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Rev. Stat.
c. 223, s. 632.

(2) The by-laws mentioned in *section 2*, subsection 5, of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Power to
erect snow
fences.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Authority to
enter into
agreements
with other
companies.

32. It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Canada Northern Railway Company,^{and} and any other railway company the lines of which are approached or crossed by, or which approach or cross the line of railway of the company,^{and} if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements

with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

33. The authority and power conferred on the company by this Act to amalgamate with and to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario to be appointed for that purpose may from time to time order.

34. The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company and the Canada Northern Railway Company⁴²⁷ and any other railway company the lines of which are approached or crossed by, or which approach or cross the line of railway of the company,⁴²⁸ if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company;⁴²⁹ provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose;⁴³⁰ but nothing in this section or in section 32 of this Act shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

35. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no shares.

transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of
back charges
of goods.

36. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Limitation of
transmission
of electrical
energy.

37. Notwithstanding anything contained in this Act, or in any statute of the Province of Ontario, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Incorporation
of provisions
of Rev. Stat.
c. 207.

38. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and com-
pletion of line.

39. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these present that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ _____ paid to me (or us) by _____ the Lake Superior, Long Lake and Albany River Railway Company, _____ the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ _____, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land), the same having been

selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said the ~~the~~ Lake Superior, Long Lake and Albany River Railway Company, ~~and~~ their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said
do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of _____, one thousand nine hundred

Signed, sealed and delivered
the presence of

[L.S.]

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act to incorporate the Lake Superior,
Long Lake and Albany River Railway
Company.

First Reading, 11th February, 1902.

(Reprinted as amended by Railway
Committee.)

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Huron, Bruce and Middlesex Electric Railway Company.

WHEREAS Joseph T. Goldthorpe of the Township of Colborne, in the County of Huron, merchant; Daniel McGillicuddy, publisher; James Wilson, druggist, and Malcolm Graeme Cameron, Esquire, all of the Town of Goderich in said county, have by their petition prayed for an Act of incorporation under the name of "The Huron, Bruce and Middlesex Electric Railway Company," for the purpose of constructing and operating an electric railway, railways or radial railway system from a point in or near the Town of Goderich, in the County of Huron, to the Village of Dungan-
non, in said county; also with power to construct, equip, maintain and operate a line of railway from Carlow, in the Township of Colborne, to a point in or near Auburn, in said county, and thence to a point in or near the Village of Blyth, and thence to Walton, on the northern gravel road, and thence through the Township of McKillop to the Town of Seaforth, and thence to the Town of Clinton, and thence through the Township of Goderich to the Bayfield road, and thence to the Town of Goderich; also with power to construct, equip, maintain and operate the following branch lines, viz.: north from the Village of Blyth to the Town of Wingham, north from Walton beforementioned to the Village of Brussels, and thence north to the Village of Wroxeter; also from a point where the said railway connects with the Bayfield road, thence south to the Village of Bayfield, thence southerly through the Townships of Stanley, Hay and Stephen to a point at or near Parkhill, thence through the County of Middlesex to the City of London; also with power to construct, equip, maintain and operate a line of railway from Dunlop, in the Township of Colborne, thence through the Township of Ashfield to a point in or near Kincardine in the County of Bruce, thence to the Village of Tiverton in said county, thence to a point in or near Port Elgin in said county, thence to a point in or near Southampton, in said county, and thence to a point in or near Wiarton in the said County of Bruce, and thence to Owen Sound in the County of Grey; also from the Town of Kincardine through the County of Bruce to the Town of Walkerton in said county.—

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

In corporation

1. The said Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron, and such other persons, firms and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Huron, Bruce and Middlesex Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, with one or more branch or branches, and with all necessary side-tracks and turn-outs for the passage of cars, carriages and other vehicles adapted to the same, from a point in or near the Town of Goderich, in the County of Huron, to the Village of Dungannon in said county; also with power to construct, equip, maintain and operate a line of railway from Carlow in the Township of Colborne, to a point in or near Auburn in said county, and thence to a point in or near the Village of Blyth, and thence to Walton, on the northern gravel road, and thence through the Township of McKillop to the Town of Seaforth, and thence to the Town of Clinton, and thence through the Township of Goderich to the Bayfield road, and thence to the Town of Goderich; also with power to construct, equip, maintain and operate the following branch lines, viz: North from the Village of Blyth to the Town of Wingham, north from Walton beforementioned to the Village of Brussels, and thence north to the Village of Wroxeter; also from a point where the said railway connects with the Bayfield road thence south to the Village of Bayfield, thence southerly through the Townships of Stanley, Hay and Stephen to a point at or near Parkhill, thence through the County of Middlesex to the City of London; also with power to construct, equip, maintain and operate a line of railway from Dunlop in the Township of Colborne, thence through the Township of Ashfield to a point in or near Kincardine, in the County of Bruce, thence to the Village of Tiverton in said county, thence to a point in or near Port Elgin in said county, thence to a point in or near Southampton in said county, and thence to a point in or near Wiarton in the said County of Bruce, and thence to Owen Sound in the County of Grey; also from the Town of Kincardine through the County of Bruce to the Town of Walkerton in said county; and the said railways, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements

between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same.

3. The company is hereby authorized and empowered to
 10 take and make the surveys and levels of the lands through
 which the said railway is to pass, together with the map or
 plan thereof, and of its course and direction and of the lands
 intended to be passed over and taken therefor, so far as then
 ascertained, and also the book of reference for the railway, and
 15 to deposit the same as required by the clauses of *The Railway
 Act of Ontario*, and the amendments thereto, with respect to
 plans and surveys, by sections or portions less than the length
 of the whole railway authorized, and of such length as the
 company may from time to time see fit so that no one of such
 20 sections or portions shall be less than ten miles in length, and
 upon such deposit as aforesaid of the map or plan and book of
 reference of any and each of such sections or portions of the
 said railway, all and every of the clauses of the said Railway
 Act, and the amendments thereof, applied to, included in or
 25 incorporated with this Act shall apply and extend to any and
 each of such sections or portions of the said railway as fully
 and effectually as if the surveys and levels had been taken and
 made of the lands through which the whole of said railway is
 to pass, together with the map or plan of the whole thereof,
 30 and of its whole course and direction, and of the lands intend-
 ed to be passed over and taken and the book of reference of
 the whole of the said railway had been taken, made, examined,
 certified and deposited according to the said clauses of the said
 Railway Act, and the amendments thereof, with respect to
 35 "plans and surveys."

Construction
of line by
sections.

Rev. Stat.
c. 207.

4. Joseph T. Goldthorpe, Daniel McGillicuddy, James Wil-
 son and Malcolm Graeme Cameron (with power to add to their
 numbers), shall be and are hereby constituted a board of pro-
 visional directors of the said company, and shall hold office as
 40 such until other directors shall be appointed under the pro-
 visions of *The Electric Railway Act*.

Provisional
directors.

5. The head office of the said company shall be at the said
 Town of Goderich, and all meetings of the provisional board
 of directors of the company, shall be held at the said Town of
 45 Goderich, or at such other place as may best suit the interests
 of the company.

Head office.

6. The capital stock of the company shall be \$1,000,000, to
 be divided into 10,000 shares of \$100 each, and such capital

Capital stock.

stock may from time to time be increased in the manner provided by *The Railway Act of Ontario*.

Subscription for stock where road constructed in sections. 7. Where the railway is constructed in sections it shall only be necessary that twenty-five per cent. of the capital stock necessary for the construction of such section be subscribed, and ten per cent. of the capital stock necessary for the construction of such section be paid in cash into some chartered bank in Canada to comply with section 52 of *The Electric Railway Act*. 5

Date of annual general meeting. 8. The date of the annual general meeting of the shareholders shall be fixed by the by-law of said the company. 10

Payments in paid up stock or bonds. 9. The provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for the right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters, or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 15 20

Special rates for perishable goods. 10. The company may make special rates for the carriage of fruit, milk and other perishable goods. 25

Calls. 11. The directors of the company may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call. 30

Parks. 12. The company is hereby authorized to purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and the company is authorized to improve and lay out such lands as parks or places of public resort, and to erect suitable buildings, and to make and enter into any agreements or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds; but none of the provisions of this section shall be in force or have effect unless and until the muni- 35 40 45

cipal council or councils of the municipality or municipalities
 wherein the lands proposed to be acquired by the company are
 situate, has or have by law declared its or their consent to
 the company acquiring lands under and for the purposes men-
 5 tioned in this section; provided, that the total acreage of lands
 acquired by the company for park purposes shall not exceed
 300 acres; and no such park or pleasure grounds shall be open
 to the public on the Lord's Day to be used for games, picnics,
 concerts, excursions or other public entertainments; pro-
 10 vided, moreover, that the company shall not under this
 section have power to acquire any lands after the lapse of five
 years from the passing of this Act; and, provided, also, that
 nothing in this section contained shall be deemed to enable
 the company to carry on the general business of a land com-
 15 pany.

13. The said company may receive from any government
 or from any persons or bodies corporate, municipal or politic,
 who may have power to make or grant the same, aid towards
 the construction, equipment or maintenance of the said rail-
 20 way by way of gift, bonus or loan of money, or debentures or
 other securities for money, or by way of guarantee upon such
 terms and conditions as may be agreed upon.

14. Any municipality through which the said railway may
 pass or is situate, is empowered to grant by way of gift to the
 25 company, any lands belonging to such municipality or over
 which it may have control, which may be required for right of
 way, station grounds, or other purposes connected with the
 running or traffic of the said railway, and the said railway com-
 pany shall have power to accept gifts of land from any gov-
 30 ernment or any person or body corporate or politic; and shall
 have power to sell or otherwise dispose of the same for the
 benefit of the company.

15. It shall be lawful for the corporation of any muni-
 cipality through any part of which the railway of the company
 35 passes, or in which it is situate, by by-law specially passed for
 that purpose, to exempt the company and its property within
 such municipality, either in whole or in part, from municipal
 assessment or taxation, or to agree to a certain sum per annum,
 or otherwise, in gross by way of commutation or composition
 40 for payment, or in lieu of all or any municipal rates or assess-
 ments to be imposed by such municipal corporation, and for such
 term of years as such municipal corporation may deem expe-
 dient, not exceeding twenty-one years, and no such by-law
 shall be repealed unless in conformity with a condition con-
 45 tained therein.

By-law for
 exempting
 from muni-
 cipal taxation.

16. Any municipality through which the company is author-
 ized to build the railway may pass a by-law or by-laws em-
 powering the said company to make their road, lay their rails,
 and operate their railway along any of the highways within

By-laws
 authorizing
 construction
 of railway on
 highways.

such municipality, including any road in the possession or under the control of any individual, firm or company, with the consent of and subject to the conditions imposed by such road-owner, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company. 5

Aid from
municipali-
ties.

Proviso.

17. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the company shall pass or be situate, may aid the company, by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation, or by subscribing for shares in the capital stock of the company, under and subject to the provisions hereinafter contained: provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. 10 15 20

Procedure on
submitting
by-laws to
ratepayers.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in the manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters. 25 30

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and amendments thereto. 35

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters, as aforesaid. 40 45

19. Such by-law shall in each instance provide

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of such debentures, or for the application of the amount to be raised thereby, as may be expressed by the said by-law.

Contents of
municipal
by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

20. Before any such by-law is submitted, the railway shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expense to be incurred in submitting said by-law.

Deposit of
expenses of
submitting
municipal
by-laws.

21. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council, which submitted the same, shall read the said by-law a third time and pass the same.

If by-law
assented to by
ratepayers
council to pass
same.

22. Within one month after the passing of such by-law the said council and the mayor, warden, reeve, or other head or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

Issue of bonus
debentures.

23. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Rate on por-
tion munici-
pality.

24. The councils for all corporations that may grant aid by way of bonus to the company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law, or by-laws, granting such aid from time to time, provided that no such extension shall be for a longer period than one year.

By-laws
extending
time for com-
mencement
of work.

25. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law, to extend the time for the completion of the works (on the completion of which the company shall be entitled to such bonus) from time to time, provided that no

By-law ex-
tending time
for completion

such extension shall be for a longer period than one year at a time.

Aid from
counties.

26. In the case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground 5 that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sufficient sum to defray the expenses of such reference, 10 the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, and one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, 15 who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed 20 by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order. 25

"Minor municipality,"
meaning of.

27. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality.

Application
of Rev. Stat.
c. 223 to bonus
by-law.

28. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. 30

Limit of rate
in bonus by-
law.

29. Any municipality or portion of a township municipality interested in the construction of the road of the company, may grant aid by way of bonus to the company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided 40 that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. 45

Power to purchase whole
lots.

30. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case

by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to a greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell or convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

- 10 **31.** When stone, gravel, earth or sand is or are required for the construction or maintenance of the said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario land surveyor to make a
 15 map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of arbitration the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway, and all
 20 the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell shall apply to the subject matter of this section
 25 as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration
 30 is resorted to, to state the interest required.

Acquiring
land for gravel
pits, etc.

- 32—(1)** When said gravel, stone, earth or sand shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene be-
 35 tween the railway and the lands on which the said materials shall be found, whatever the distance may be, but such distance shall not exceed one mile in length, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice,
 40 shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times
 45 be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits

- (2) Such sidings and tracks shall not be used by the company, or by others, nor shall the company suffer or permit the
 50 use of such sidings or tracks for transportation purposes, or

for any other purpose than that of constructing and maintaining the said railway.

Rev. Stat.
c. 207.

(3) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

5

Trustees of
bonus
debentures

33 Whenever any municipality, or portion of a township municipality, shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustees or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies, or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant Governor in Council.

Trusts of
debentures

34. The said trustee shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or the amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The Huron, Bruce and Middlesex Electric Railway Company Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said company for the time being in the form set out in the Schedule A hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

35. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of

such trustees shall be as valid and binding as if the three had agreed.

36. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such person for such charges. Collecting back charges on goods.

37. The company may also construct an electric telegraph line and a telephone line in connection with their railway and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also that such telegraph and telephone lines shall be used exclusively for the purpose of the business of the company. Telegraph and telephone lines

38. The directors of the company, under the authority of the shareholders, to them given at any special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$20,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per cent. per annum as the directors may think proper. Bonding powers.

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 have been actually expended on the work. 5

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed. 10

Mortgage to
secure bonds.

39. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets rents and revenues of the company, present or future or both, as are described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway. 15

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act ; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided. 20 25

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*. 30

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place, whatsoever, except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage* 35 40 45

Act or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

40. Until they have been surrendered and lawfully cancelled the bonds, debentures or other securities, hereby authorized to be issued, shall be taken and considered to be the first preferential claim and charge upon the company, and the privileges acquired under this Act, and the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired save and except as provided for in the next preceding section.

Bonds to bear first charge upon undertaking.

(a) Each holder of the said bonds, debentures or other securities, shall until they have been surrendered and lawfully cancelled, be deemed to be a mortgage or incumbrancer upon the said securities *pro rata* with all the other holders, and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed.

41. If the company makes default in paying the principal of or interest on any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings, as would attach to them as shareholders if they held fully paid-up shares of the company to a corresponding amount.

Rights of bondholders.

(a) The rights given by this section shall not be exercised by any such holder unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares, of the company are registered at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, debentures or other securities, and any transfers thereof thereafter in the same manner as shares or transfers of shares.

(b) The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, debentures or other securities are entitled under the provisions of any such mortgage deed.

42. All bonds, debentures or other securities hereby authorized may be made payable to bearer, and shall in that case

Transfer of bonds.

be transferable by delivery, until registration thereof as hereinbefore provided, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Release of
property from
mortgage to
secure bonds.

43. Any lands or chattel property which may have become no longer useful or necessary for the purposes of the company may be released by the trustees of any mortgage securing the bonds of the company if a provision for such release is contained in the mortgage, and thereafter such released lands or chattel property shall be held free and discharged from any lien created by the said mortgage or by any of the Acts relating to the company in favor of the said bondholders. 5 10

Running
arrangements
with other
companies.

44. The company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. 15 20 25 30 35 40 45 50

45 (1) The company shall have full power and authority to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found to be superfluous for any
 5 such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power houses,
ware houses,
docks etc.

10 (2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire engines, motors, carriages, waggon and other machinery and contrivances necessary or convenient for the
 15 working of the railway and the accommodation and the use of the passengers, freight and business of the company.

Stations
depots and
etc.

(3) To construct, maintain and operate works of the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other
 20 property of the company.

Production of
electricity.

(4) To sell or lease any such electricity not required for the purposes as aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possesses the powers, rights and privileges and be subject to all the obligations and restrictions of
 25 joint stock companies incorporated under *The Act Representing Companies for Supplying Steam, Heat, Electricity or Natural Gas from Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-
 30 section.

Dispensing of
electric en-
ergy.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands, other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or
 35 the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such
 40 works or any part thereof or of the railway may be situated and under and subject to any by law or by-laws of the council of such municipality passed in pursuance thereof.

Conveying
power over
other lands.

(6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act.

General
powers.

Agreements
for operation
on highway.

46.—(1) The railway of the company shall not be constructed or operated on, upon, or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by laws of the council of any such municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other buildings erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed to avoid as far as possible any danger to buildings or other property and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Rev. Stat.
c. 223.

(2) The by-laws mentioned in section 1, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Form of conveyance of land to company.

47. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule B hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Issuing negotiable instruments.

48. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer of the company and under the authority of a quorum of the directors shall be binding on the company; and every such promissory note or bill of exchange so made, accepted or endorsed shall be presumed to have been made, accepted or endorsed with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such

promissory note or bill of exchange; nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

10 **49.** The several clauses of *The Railway Act of Ontario*, numbers 8 to 20, 29, and 31 to 39, all inclusive, shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactment hereof; and the expression "this Act" when used herein, shall be understood to include the said clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Application of certain provisions of Rev. Stat. c. 307.

20 **50.** The provisions of section 136 of *The Electric Railway Act* shall apply to the operation of the railway of the company, but save as aforesaid *The Electric Railway Act* shall not apply to the company or to the lines of railway to be constructed and operated by them.

Rev. Stat. c. 209, s. 136, to apply to railway.

25 **51.** Steam shall not be used as the motive power for the operation of the railway of the said company.

Steam not to be motive power.

30 **52.** The railway shall be commenced within one year and finished and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for commencement and completion.

SCHEDULE A.

(Section 34.)

CHIEF ENGINEER'S CERTIFICATE.

The Huron, Bruce and Middlesex Electric Railway
Company's Office.

No. Engineer's Department, A.D. 19

Certificate to be attached to cheque drawn on The Huron, Bruce and Middlesex Electric Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, , Chief Engineer of The Huron, Bruce and Middlesex Electric Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. , of the township of , (or under the

agreement dated the day of between the Corporation of and the said company) to entitle the said company to receive from the said trust the sum of

(Here set out the terms and conditions, if any, which have been fulfilled.)

SCHEDULE B.

(Section 47.)

Know all men by these presents that I (*or we*), (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (*or us*) by The Huron, Bruce and Middlesex Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (*or we*) (insert the name or names of any other party or parties) in consideration of dollars paid to me (*or us*) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels, as the case may be*) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Huron, Bruce and Middlesex Electric Railway Company, their successors and assigns forever, (here insert any other clauses, covenants and conditions required) and I (*or we*) the wife (*or wives*) of the said do hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*) this day of one thousand nine hundred

Signed, sealed and delivered in the presence of

[L.S.]

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate the Huron, Bruce
and Middlesex Electric Railway Company.

First Reading,	1902.
----------------	-------

(*Private Bill.*)

Mr.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Huron, Bruce and *Grey*
Electric Railway Company.

WHEREAS Joseph T. Goldthorpe of the Township of Colborne, in the County of Huron, merchant; Daniel McGillicuddy, publisher; James Wilson druggist, and Malcolm Graeme Cameron, Esquire, all of the Town of Goderich in said county, have by their petition prayed for an Act of incorporation under the name of "The Huron, Bruce and *Grey* Electric Railway Company," for the purpose of constructing and operating an electric railway, railways or radial railway system^{es} from the Town of Goderich in the County of Huron in a southerly direction passing through the Townships of Goderich, Stanley, Hay and Stephen to the boundary line between the Counties of Huron and Middlesex; from the Town of Goderich in a northerly direction passing through the Townships of Colborne and Ashfield in the County of Huron and the Townships of Huron, Kincardine, Bruce, Saugeen, Arran and Amabel in the County of Bruce and through the Townships of Keppel and Derby in the County of Grey to the Town of Owen Sound in the said county, with a branch from the said line of railway running through the said Township of Amabel or the said Township of Keppel to the Town of Wiarton in the County of Bruce, with a branch from a point on the said line in an easterly direction passing through the Townships of Colborne, West Wawanosh, East Wawanosh, Morris, Hullett and McKillop, in the said county of Huron, to a point known as Walton in the said county, thence through the Township of McKillop to the Town of Seaforth, thence in a westerly direction through the Townships of Tucker-smith, Stanley and Hullett in the said County of Huron to the Town of Clinton in the said County, thence in a westerly direction through the said Township of Goderich to a point on the line of railway running from the said Town of Goderich southerly; and also a branch from the line of railway lastly authorized through the said Townships of Colborne and Ashfield to the Village of Dungannon in the said County of Huron; and also a branch from a point on said line of railway and at or near the Village of Blyth or Walton in a northerly direction through the Townships of Grey, Morris, Turnberry and Howick in the said County of Huron to the Village of Wroxeter in the said county; and whereas it is expedient to grant the prayer of the said petition; ^{Preamble.}

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation. 1. The said Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Huron, Bruce and Grey Electric Railway Company."

Location of line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side-tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same, ~~and~~ from the Town of Goderich, in the County of Huron, in a southerly direction, passing through the Townships of Goderich, Stanley, Hay and Stephen to the boundary line between the Counties of Huron and Middlesex : from the town of Goderich in a northerly direction, passing through the Townships of Colborne and Ashfield in the County of Huron, and the Townships of Huron, Kincardine, Bruce, Saugeen, Arran and Amabel in the County of Bruce, and through the Townships of Keppel and Derby, in the County of Grey, to the Town of Owen Sound, in the said county, with a branch from the said line of railway running through the said Township of Amabel or the said Township of Keppel to the Town of Wiarton in the County of Bruce ; with a branch from a point on the said line in an easterly direction, passing through the Townships of Colborne, West Wawanosh, East Wawanosh, Morris, Hullett and McKillop in the said County of Huron, to a point known as Walton in the said county, thence through the Township of McKillop to the Town of Seaforth, thence in a westerly direction through the Townships of Tuckersmith, Stanley and Hullett, in the said County of Huron, to the Town of Clinton in the said County, thence in a westerly direction through the said Township of Goderich to a point on the line of railway running from the said Town of Goderich southerly ; and also a branch from the line of railway lastly authorized through the said Townships of Colborne and Ashfield to the Village of Dungannon, in the said County of Huron ; and also a branch from a point on said line of railway, and at or near the Village of Blyth or Walton, in a northerly direction through the Townships of Grey, Morris, Turnberry and Howick, in the said County of Huron, to the Village of Wroxeter, in the said county ; ~~and~~ and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same,

and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, and any Act or Acts amending the same.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said Electric Railway Act, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said Electric Railway Act and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Electric Railway Act and the amendments thereof, with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; Provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Construction
of line by
sections.

Rev. Stat.
c. 209.

4. *The said* Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron (with power to add to their numbers), shall be and are hereby constituted a board of provisional directors of the said company, and shall

Provisional
directors.

Rev Stat.
c. 209. hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Head office. 5. The head office of the said company shall be at the Town of Goderich,⁴² in the County of Huron,⁴³ and all meetings of the provisional board of directors of the company, shall be held at the said Town of Goderich, or at such other place as may best suit the interests of the company.

Capital stock. 6. The capital stock of the company shall be \$500,000, to be divided into 5,000 shares of \$100 each.

Subscription for stock where road constructed in sections. 7. Where the railway is constructed in sections it shall only be necessary that twenty-five per centum of the capital stock necessary for the construction of such section be subscribed, and ten per centum of the capital stock necessary for the construction of such section be paid in cash into some chartered bank in Canada to comply with section 52 of *The Electric Railway Act*.

Number of directors. ⁴⁴8. The number of directors shall not be less than five nor more than nine.⁴⁵

Date of annual general meeting. 9. The date of the annual general meeting of the shareholders shall be fixed by the by-laws of the said company.

Directors empowered to pay in stock. ⁴⁶10. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.⁴⁷

Special rates for perishable goods. 11. The company may make uniform special rates for the carriage of fruit, milk and other perishable goods.

Calls. 12. The directors of the company may from time to time make such calls of money upon the respective shareholders, in

respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

~~Art~~ 13. Any municipality through which the said railway passes and having jurisdiction in the premises may ~~Art~~ subject to the provisions and conditions contained in this Act, *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, ^{Laying rails on highways.} pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway. ^{Rev. Stat. c. 223.}

14. The directors of the company, under the authority of the shareholders, to them given at any special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$15,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per centum per annum as the directors may think proper. ^{Bonding powers.}

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 have been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mortgage to
secure bonds.

15. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place, whatsoever, except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth, as

if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

16. The company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any *electric* motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

17. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway, or to sell or lease or transmit *electrical power*, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force; and to such terms, conditions and regulations, general or special, as the Lieutenant-

Running
arrangements
with other
companies.

Agreements
with other
companies to
be subject to
regulations.

Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Power houses,
warehouses,
docks etc.

18 (1) The company shall have full power and authority to purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Stations
depots and
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire engines, motors, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

Production of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Disposing of
electric en-
ergy.

(4) To sell or lease ~~in~~ in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions therein contained ~~any~~ any such electricity not required for the purposes as aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat.
c. 200.

Conveying
power over
other lands.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands, other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and be-

tween the company and any municipality in which such works or any part thereof or of the railway may be situate and under and subject to any by law or by-laws of the council of such municipality passed in pursuance thereof.

(6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act. § 20. All other matters and things necessary for railway. 21

19.—(1) The railway of the company shall not be constructed or operated on, upon, or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of any such municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other buildings erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water. Agreements for operation on highway.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat. c. 223.

20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee or the Privy Council of Canada. Level crossings.

21. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality. Limitation of transmission powers as to electrical energy.

22. The undertaking hereby authorized shall be commenced within *two* years and put in operation within five Time for commencement and completion.

years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. ²³

Incorporation
Rev. Stat.
c. 209.

²³ 23. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. ²⁴

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate The Huron, Bruce
and Grey Electric Railway Company.

First Reading, 11th February, 1902.

(Reprinted as amended by Railway Com-
mittee.)

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Huron, Bruce and Middlesex Electric Railway Company.

WHEREAS Joseph T. Goldthorpe of the Township of Colborne, in the County of Huron, merchant; Daniel McGillicuddy, publisher; James Wilson, druggist, and Malcolm Graeme Cameron, Esquire, all of the Town of Goderich in said county, have by their petition prayed for an Act of incorporation under the name of "The Huron, Bruce and Middlesex Electric Railway Company," for the purpose of constructing and operating an electric railway, railways or radial railway system from a point in or near the Town of Goderich, in the County of Huron, to the Village of Dungan-Preamble.non, in said county; also with power to construct, equip, maintain and operate a line of railway from Carlow, in the Township of Colborne, to a point in or near Auburn, in said county, and thence to a point in or near the Village of Blyth, and thence to Walton, on the northern gravel road, and thence through the Township of McKillop to the Town of Seaforth, and thence to the Town of Clinton, and thence through the Township of Goderich to the Bayfield road, and thence to the Town of Goderich; also with power to construct, equip, maintain and operate the following branch lines, viz.: north from the Village of Blyth to the Town of Wingham, north from Walton beforementioned to the Village of Brussels, and thence north to the Village of Wroxeter; also from a point where the said railway connects with the Bayfield road, thence south to the Village of Bayfield, thence southerly through the Townships of Stanley, Hay and Stephen to a point at or near Parkhill, thence through the County of Middlesex to the City of London; also with power to construct, equip, maintain and operate a line of railway from Dunlop, in the Township of Colborne, thence through the Township of Ashfield to a point in or near Kincardine in the County of Bruce, thence to the Village of Tiverton in said county, thence to a point in or near Port Elgin in said county, thence to a point in or near Southampton, in said county, and thence to a point in or near Wiarton in the said County of Bruce, and thence to Owen Sound in the County of Grey; also from the Town of Kincardine through the County of Bruce to the Town of Walkerton in said county.—

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

In corporation 1. The said Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Huron, Bruce and Middlesex Electric Railway Company."

Location of line. 2. The said company is hereby authorized and empowered to survey, lay out, construct, equip, maintain and operate by electricity, and from time to time remove and change a double or single track, iron or steel railway of the gauge of four feet eight and one-half inches, and with all necessary side-tracks and turn outs for the passage of cars, carriages and other vehicles adapted to the same, from a point in or near the Town of Goderich, in the County of Huron, to the Village of Dungannon in said county; also with power to construct, equip, maintain and operate a line of railway from Carlow in the Township of Colborne, to a point in or near Auburn in said county, and thence to a point in or near the Village of Blyth, and thence to Walton, on the northern gravel road, and thence through the Township of McKillop to the Town of Seaforth, and thence to the Town of Clinton, and thence through the Township of Goderich to the Bayfield road, and thence to the Town of Goderich; also with power to construct, equip, maintain and operate the following branch lines, viz: North from the Village of Blyth to the Town of Wingham, north from Walton beforementioned to the Village of Brussels, and thence north to the Village of Wroxeter; also from a point where the said railway connects with the Bayfield road thence south to the Village of Bayfield, thence southerly through the Townships of Stanley, Hay and Stephen to a point at or near Parkhill, thence through the County of Middlesex to the City of London; also with power to construct, equip, maintain and operate a line of railway from Dunlop in the Township of Colborne thence through the Township of Ashfield to a point in or near Kincardine, in the County of Bruce, thence to the Village of Tiverton in said county, thence to a point in or near Port Elgin in said county, thence to a point in or near Southampton in said county, and thence to a point in or near Wiarton in the said County of Bruce, and thence to Owen Sound in the County of Grey; also from the Town of Kincardine through the County of Bruce to the Town of Walkerton in said county; and the said railways, or any part thereof so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and the provisions therein, and in this Act contained, and under and subject to any agreements

between the company and the councils of any of the said corporations and between the company and the road companies, (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*, and any Act or Acts amending the same.

3. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof, applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof, with respect to plans and surveys. The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; Provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway.

Construction
of line by
sections.

Rev. Stat.
c. 209.

4. *The said* Joseph T. Goldthorpe, Daniel McGillicuddy, James Wilson and Malcolm Graeme Cameron (with power to add to their numbers), shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of *The Electric Railway Act*.

Provisional
directors.

Head office. 5. The head office of the said company shall be at the Town of Goderich, ~~in~~ in the County of Huron, ~~and~~ and all meetings of the provisional board of directors of the company, shall be held at the said Town of Goderich, or at such other place as may best suit the interests of the company.

Capital stock. 6. The capital stock of the company shall be \$500,000, to be divided into 5,000 shares of \$100 each.

Subscription for stock where road constructed in sections. 7. Where the railway is constructed in sections it shall only be necessary that twenty-five per *centum* of the capital stock necessary for the construction of such section be subscribed, and ten per cent. of the capital stock necessary for the construction of such section be paid in cash into some chartered bank in Canada to comply with section 52 of *The Electric Railway Act*.

Number of directors. 8. The number of directors shall not be less than five nor more than nine. ~~and~~

Date of annual general meeting. 9. The date of the annual general meeting of the shareholders shall be fixed by the by-law of the said company.

Directors empowered to pay in stock. 10. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the *subscribed* capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose. ~~and~~

Special rates for perishable goods. 11. The company may make *uniform* special rates for the carriage of fruit, milk and other perishable goods.

Calls. 12. The directors of the company may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them as they may deem necessary, and thirty days'

notice at the least shall be given of each call, and no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, or be made at a less interval than two months from the previous call.

13. Any municipality through which the said railway passes and having jurisdiction in the premises may ^{Laying rails on highways.} ~~be~~ subject to the provisions and conditions contained in this Act. *The Municipal Act* and any Act or Acts amending the same, and subject also to the terms of and unless restricted by any agreement lawfully entered into between any such municipality and any other railway or street railway company, ^{it} ~~may~~ pass a by-law or by-laws empowering the said company to make their road and lay their rails along any of the highways within such municipality, including any road in the possession or under the control of any joint stock company, with the consent of and subject to the conditions imposed by such joint stock company, and under and subject to any agreement or agreements hereafter to be made between any such municipality and the said company, and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to or used by the said railway.

14. The directors of the company, under the authority of ^{Bonding powers.} the shareholders, to them given at any special meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act contained, issue bonds, debentures or other securities to the extent of \$15,000 per mile for each and every mile of single track of the said railway and extensions and branches; such bonds, debentures or other securities shall be signed by the president or other presiding officer and countersigned by the secretary, which counter signature and the signature of the coupons attached to the same may be engraved; and such bonds, debentures or other securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest not exceeding six per centum per annum as the directors may think proper.

(a) The directors shall issue and sell or pledge all or any of the said bonds, debentures or other securities at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking.

(b) No such bond, debenture or other security shall be for a less sum than one hundred dollars.

(c) The power of issuing bonds conferred upon the company hereby shall not be construed as being exhausted by such issue, and such power may from time to time be exercised upon the bonds constituting such or any issue being withdrawn or paid off and duly cancelled, but no bonds or debentures shall be issued until \$50,000 have been actually expended on the work.

(d) Such bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed.

Mortgage to
secure bonds.

15. The company may secure such bonds, debentures, or other securities, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in *The Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place, whatsoever, except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act* or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act* or any Act requiring registration or renewal of mortgages of chattels had been fully complied with.

16. The company shall have power to agree for connections and making running arrangements with any company or companies now or hereafter lawfully authorized to construct and operate a railway or railways in the municipalities named in section 2 of this Act, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any *electric* motors, carriages or cars, or any of them, or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has first been obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Running
arrangements
with other
companies.

17. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario to be appointed for that purpose may from time to time order.

18 (1) The company shall have full power and authority to purchase land for and erect power houses, warehouses, ele-

Power houses,
warehouses,
docks etc.

vators, docks, stations, workshops and offices, and to sell and convey such land as may be found to be superfluous for any such purpose, and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Stations
depots and
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire engines, motors, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and the use of the passengers, freight and business of the company.

Production of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.

Disposing of
electric en-
ergy.

(4) To sell or lease ~~in~~ in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions therein contained ~~any~~ any such electricity not required for the purposes as aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity or Natural Gas from Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Rev. Stat.
c. 200

Conveying
power over
other lands.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands, other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the ~~cor's~~ or wires of such lines, or the conduits for such electricity upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate and under and subject to any by law or by-laws of the council of such municipality passed in pursuance thereof.

~~All~~ All other
matters and
things neces-
sary for rail-
way. ~~etc.~~

(6) To construct, erect and make all other matters and things necessary and convenient for the making, extending and

using of the railway in pursuance of and according to the meaning and intent of this Act.

19.—(1) The railway of the company shall not be constructed or operated on, upon, or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by laws of the council of any such municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors and machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other buildings erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Agreements
for operation
on highway.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.
c. 223.

20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee or the Privy Council of Canada.

Level
crossings.

21. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.


Limitation of
transmission
powers as to
electrical
energy.

22. The undertaking hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Time for com-
mencement
and comple-
tion.

23. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the

Incorporation
Rev. Stat.
c. 209.

company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act. 

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate the Huron, Bruce
and Middlesex Electric Railway Company.

First Reading, 11th February, 1902.

(Reprinted as amended by Railway Com-
mittee.)

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting the Fort Erie Ferry Railway Company.

WHEREAS, the Fort Erie Ferry Railway Company has, Preamble.
by its petition, prayed that an Act may be passed
amending the Act of 58 Victoria, Chap. 96, as amended by the
Act of 60 Victoria, Chapter 85, and by the Act of 63 Victoria,
5 Chapter 111; and providing that the time for the completion
of the said company's line to Crystal Beach and its proposed
branch to Ridgeway be extended until April 13, 1905; also,
that the time for the completion of the said company's line
from Crystal Beach to Port Colborne be extended until De-
10 cember 1, 1907; also praying for the extension of the powers
conferred on said company in said Acts; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
15 as follows:—

1. The said company is hereby authorized and empowered Extension to
Fort Erie
Jockey Club.
to extend, construct, maintain and complete, and to operate,
either by steam or electric power, an extension of its railway,
pursuant to the powers contained in the said Act of incorpora-
20 tion and as so amended, from its terminus in the Village of
Fort Erie to a point in the Township of Bertie, at or near the
Fort Erie Jockey Club, so called; provided that all of the pro-
visions of *The Electric Railway Act of 1895*, save in so far
as the same are inconsistent with the provisions of this
25 Act, shall apply to such extension if the same be operated
by electric power.

2. The said extension of said company's line to Fort Erie Time for com-
mencement
and
completion.
Jockey Club, the said branch of said company's line to Ridge-
way and its main line to Crystal Beach shall be completed on
30 or before April 13, 1905; and the main line from Crystal
Beach to Port Colborne shall be completed on or before
December 1, 1907; it being provided that the failure to com-
plete any part of its lines or extension, on or before the time
hereinbefore limited, shall not abrogate the company's right to
35 maintain and operate the portion actually completed within
the time limited.

Rights
heretofore
granted to be
preserved.

Rev. Stat.
c. 209.

3. Nothing in this Act shall be deemed to take away any of the powers and privileges heretofore enjoyed by the said company, and all of the powers and privileges, heretofore enjoyed by the said company are hereby made applicable to the said extension, branch and main line, save in so far as such powers and privileges are inconsistent with the provisions of *The Electric Railway Act*. 5

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Fort Erie Ferry
Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. GROSS.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act respecting the Fort Erie Ferry Railway Company.

¹²⁷ WHEREAS, the Fort Erie Ferry Railway Company, Preamble.
incorporated under the Act passed in the 50th year of the reign of Her late Majesty [Queen Victoria chaptered 76, as amended by the Act passed in the 54th year of said reign and chaptered 86, the Act passed in the 58th year of said reign and chaptered 96, the Act passed in the 60th year of the said reign and chaptered 85 and the Acts passed in the 63rd year of said reign and being respectively chaptered 15 and 111 has by its petition prayed that the time for the completion of its line of railway from its present westerly terminus in the Township of Bertie to the Village of Port Colborne and the branch line from Crystal Beach in a northerly direction to the Village of Ridgeway, be extended until the 13th day of April, 1905; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of chapter 85 of the Acts passed in the 60th year of the reign of Her late Majesty Queen Victoria intituled *An Act respecting The Fort Erie Ferry Railway Company*, and section 1 of chapter 111 of the Acts passed in the 63rd year of said reign intituled *An Act to amend an Act respecting the Fort Erie Ferry Railway Company* are repealed.

60th Vict.
c. 85, s. 4;
63 V., c. 111,
s. 1, repealed.

2. The said railway from the present termination in the Township of Bertie to the Village of Port Colborne and the branch line from Crystal Beach to the Village of Ridgeway shall be completed on or before the 13th day of April, 1905.

Time for
completion of
Port Colborne
and Crystal
Beach
extensions.

No. 65.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Fort Erie Ferry
Railway Company.

First Reading, 11th February, 1902.

(Reprinted as amended by the Railway
Committee.)

Mr. GROSS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty

An Act respecting the Town of Rat Portage.

WHEREAS, the corporation of the municipality of the Town of Rat Portage have petitioned praying that an Act may be passed : (1) to confirm and legalize a by-law of the municipality of the Town of Rat Portage passed on the 26th day of August, 1901, entitled " By law No. 316. A by-law to provide for the issue of debentures for the Town of Rat Portage to the amount of twenty thousand dollars (\$20,000), and to raise the sum required therefor for the purpose of making connections in and improving the system of waterworks therein," and the debentures issued under and in pursuance of the said by-law ; (2) and to empower the said municipality of the Town of Rat Portage to take over the electric light system and undertaking and plant of the Citizens' Telephone and Electric Company of the Town of Rat Portage under the provisions of *The Municipal Act* and amendments thereto or otherwise ; and whereas the said corporation of the said municipality of the Town of Rat Portage by their petition have represented that is necessary and expedient and of advantage to the said municipality that the said By-law No. 316 and the debentures issued or to be issued thereunder should be ratified and declared legal, valid and binding upon the said municipality ; and whereas the said corporation of the municipality of the Town of Rat Portage by their petition have represented that it is expedient and desirable and of advantage to the said municipality that it should have the power to take over and acquire the electric light system and undertaking and plant of The Citizen's Telephone and Electric Company of the Town of Rat Portage under the provisions of *The Municipal Act* and amendments thereto ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. By-law No. 316 of the municipal corporation of the Town of Rat Portage, set forth in Schedule Eight of this Act, and the debentures of which may hereafter be issued under or in pursuance of the provisions of said by-law, are hereby ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of

By-law 316 of
Rat Portage
confirmed.

-law for
acquiring
works and
plant of Tele-
phone and
Electric Co.
authorized.

the said municipality to passing the said by-law or issue the said debentures, and notwithstanding any defect in substance or in form of the said by-law or debentures, or in the manner of passing or issuing the same, and the said corporation of the Town of Rat Portage is hereby authorized and empowered to 5 issue debentures as authorized by the said by-law, and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality and the said corporation is hereby authorized and empowered to do all necessary Acts for the full and proper carrying out of the said 10 By-law 316.

Application of
Rev. Stat.,
c. 199.

2. In case a by-law is passed by the municipal council of the corporation of the Town of Rat Portage with the consent of the ratepayers, declaring that it is expedient in the interests of the Town of Rat Portage to acquire the works and plant of 15 The Citizens' Telephone and Electric Company of the Town of Rat Portage, Limited, so far as the same are necessary or desirable for the operation of an electric light, heat and power system for the Town of Rat Portage, the corporation of the Town of Rat Portage may forthwith take possession of the 20 works of the company and all property used in connection therewith for the purpose of supplying electric light, heat, and power, whether the works or property or any of them are within or without the municipality, and shall pay therefor at a valuation to be determined by arbitration in accordance 25 with the provisions of *The Municipal Act* and amendments thereto.

3. For the purposes of the provisions of the next preceding section the corporation may exercise all the powers set forth in chapter 199 of the Revised Statutes of Ontario in the same 30 manner as though they were acquiring a gas or water works undertaking.

SCHEDULE A.

BY-LAW NO. 316.

A by-law to provide for the issue of debentures of the Town of Rat Portage to the amount of twenty thousand dollars and to raise the sum required therefor for the purpose of making connections in and improving the system of water works therein.

Whereas the Municipality of the Town of Rat Portage have already from time to time made connections and improvements in the water works system of the said Town of Rat Portage and have obtained from the banks certain advances by way of temporary loan to the amount of twelve thousand dollars therefor.

And whereas it is necessary to re-pay such advances so received for said purposes.

And whereas it is necessary and expedient to make further connections and improve the said system of water works, and it will be necessary to

borrow on the credit of the Municipality of the Town of Rat Portage for such purposes, the further sum of eight thousand dollars making in all the sum of twenty thousand dollars required to be raised under this by-law for the purposes aforesaid, said sum to be re-payable with interest at the rate of four per centum per annum in thirty annual instalments.

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of twenty thousand dollars as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and to no other.

And whereas owing to the separated portion of the West Ward of the Town of Rat Portage and its physical features it is impossible to construct water works in that ward without very great expense, said works will only serve the Centre, North and South Wards of the municipality.

And whereas Chapter 62 of 50 Victoria, amended by 55 Victoria, Chapter 83, section 20, provides for exemption under certain conditions for certain property in the municipality west of the second outlet of the Lake of the Woods, which comprises the West Ward of the Town of Rat Portage, as defined by 55 Victoria, Chapter 83, from assessment of any rate for the purposes of raising money for the payment of debentures which may be issued by the municipality.

And whereas the total amount that will be required to be raised by special rate on all the rateable property in the Centre, North and South Wards in the municipality in each year during the currency of the said debt to discharge the several instalments and interest respectively as the same becomes due according to the terms of this by-law is the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the whole amount of the rateable property of the said municipality according to the last revised assessment roll is one million six hundred and thirty-three thousand three hundred and seventy-three dollars, the amount of the rateable property in the Centre, North and South Wards is one million four hundred and ninety-seven thousand seven hundred dollars.

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the amount of the existing debt of the said municipality is two hundred and forty-eight thousand seven hundred and twenty dollars and twenty-four cents, of which the proportion to be paid by the Centre, North and South Wards is two hundred and forty-one thousand eight hundred and forty-four dollars and twenty-eight cents, and no part of the principal and interest is in arrears.

Therefore the Municipal Council of the Corporation of the Town of Rat Portage enacts as follows:—

1. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized to raise by way of loan from any person, firm or company or corporation who may be willing to advance the same upon the credit of the debentures to be issued under this by-law the sum of twenty thousand dollars, for the purposes and objects recited in this by-law.

2. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized and required to issue debentures of the Town of Rat Portage to the amount of twenty thousand dollars for the purposes aforesaid, which debentures shall be for the several amounts in the next section hereof, and shall be sealed with the seal of the said corporation, and signed by the mayor or head thereof for the time being, and countersigned by the treasurer thereof.

3. The said debentures shall be made payable at the office of the Imperial Bank of Canada, in the Town of Rat Portage, and shall bear interest at the rate of four per centum per annum from the first day of

December in the year of our Lord one thousand nine hundred and one, which interest shall be payable at the said bank in the Town of Rat Portage on the first day of December in each year, which debentures shall have attached to them coupons for the payment of the said interest, and shall be for the amounts and shall be payable on the days and times following, that is to say :—

On the first day of December, 1902.....	\$356 60
“ “ “ 1903.....	370 87
“ “ “ 1904.....	385 70
“ “ “ 1905.....	401 13
“ “ “ 1906.....	417 17
“ “ “ 1907.....	433 86
“ “ “ 1908.....	451 22
“ “ “ 1909.....	469 26
“ “ “ 1910.....	488 03
“ “ “ 1911.....	507 56
“ “ “ 1912.....	527 86
“ “ “ 1913.....	548 97
“ “ “ 1914.....	570 93
“ “ “ 1915.....	593 77
“ “ “ 1916.....	617 52
“ “ “ 1917.....	642 22
“ “ “ 1918.....	667 91
“ “ “ 1919.....	694 62
“ “ “ 1920.....	722 42
“ “ “ 1921.....	751 31
“ “ “ 1922.....	781 36
“ “ “ 1923.....	812 60
“ “ “ 1924.....	845 12
“ “ “ 1925.....	878 92
“ “ “ 1926.....	914 08
“ “ “ 1927.....	950 64
“ “ “ 1928.....	988 67
“ “ “ 1929.....	1,028 22
“ “ “ 1930.....	1,069 34
“ “ “ 1931.....	1,112 12

4. That the sum of eleven hundred and fifty-six dollars and sixty cents shall be raised and leviable on all the rateable property in the centre, north and south wards of the said municipality in each and every year during the currency of the said debt by special rate sufficient to discharge the several instalments and interest accruing due on the said debt as the said instalments and interest become due respectively payable according to the terms of this by-law.

5. That this by-law shall take effect on the first day of December in the year of our Lord one thousand nine hundred and one.

6. That the votes of the electors of the Centre, North and South wards of the said Town of Rat Portage shall be taken on the 15th day of August in the year of our Lord one thousand nine hundred and one, at a poll to be opened at the following places and with the following deputy returning officers.

CENTRE WARD.

Polling sub-division No. 1, at the town hall in the said Town of Rat Portage, by D. A. Pender, deputy returning officer.

Polling sub-division No. 2, at the old office of P. H. Clark, in the Town of Rat Portage, by H. F. Holmes, deputy returning officer.

NORTH WARD.

Polling sub-division No. 1, at the court house in the Town of Rat Portage, by J. W. Pickett, deputy returning officer.

Polling sub-division No. 2, at the Central public school in the Town of Rat Portage, by M. Seegmiller, deputy returning officer.

SOUTH WARD.

Polling sub-division No. 1, at D. McMurphy's, jr., house, by D. McMurphy, jr., deputy returning officer

Polling sub-division No. 2, at the school house in the south ward of the Town of Rat Portage, by J. H. Challoner, deputy returning officer.

And that the said poll shall be opened at the hour of nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day.

7. That on the 14th day of August in the year of our Lord one thousand nine hundred and one, at the hour of eleven o'clock in the forenoon, the Mayor or the head of the municipality for the time being shall appoint, in writing signed by him, two persons to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on the 16th day of August in the year of our Lord one thousand nine hundred and one, being the Thursday following the said poll, the clerk of the said Town of Rat Portage shall at the town hall in the said Town of Rat Portage at twelve o'clock, noon, attend and shall sum up the number of votes given for and against this by-law and then and there declare to the persons present whether the requisite number of electors voted in favor of passing this by-law or contrary thereto.

9. Notice of the time appointed for taking a poll of the electors on this by-law shall be published for three weeks, and a copy of this by-law at length as the same may be ultimately passed, and the notice of the day appointed for finally considering the same in council shall be published for three weeks in "The Weekly News", one of the newspapers published in the municipality of the Town of Rat Portage before the final passing of this by-law,

Done and passed in open council this twenty-sixth day of August, A. D. 1901.

(Sgd.) JOHN KERR BRYDON,	}	(Sgd.) D. H. CURRIE,
Acting Mayor.		Clerk.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act respecting the Town of Rat
Portage.

First Reading, , 1902.

(Private Bill.)

Mr. CONNIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Rat Portage.

WHEREAS, the Municipal Corporation of the Town of Rat Portage has petitioned praying that an Act be passed to confirm and legalize a by-law of the Municipality of the Town of Rat Portage passed on the 26th day of August, 1901, entitled "By law No. 316. A by-law to provide for the issue of debentures for the Town of Rat Portage to the amount of twenty thousand dollars (\$20,000), and to raise the sum required therefor for the purpose of making connections in and improving the system of waterworks therein," and the debentures issued under and in pursuance of the said by-law, and to empower the said municipality to take over the electric light and telephone system, undertaking and plant of The Citizens' Telephone and Electric Company of Rat Portage Limited, under the provisions of this Act; and whereas it is expedient to grant the prayer of the said petition; and whereas the said municipal corporation has by supplementary petition set forth that the name Rat Portage is unnecessarily long and inconvenient and owing to its derivation and signification is objectionable and misleading and is not a suitable name for the said town under present conditions, and has prayed that the name of the said town be changed; and whereas it is expedient to grant power to the Lieutenant-Governor-in-Council to change the said name on the conditions hereinafter set forth.

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 316 of the Municipal Corporation of the Town of Rat Portage, set forth in Schedule A of this Act, and the debentures which have been or which may hereafter be issued under or in pursuance of the provisions of the said by-law, are hereby ratified and confirmed and declared legal, valid and binding upon the said municipal corporation and the rate-payers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law or to issue the said debentures, and notwithstanding any defect in substance or in form of the said by-law or debentures, or in the manner of passing or issuing the same, and the Corporation of the Town of Rat Portage is hereby authorized and empowered to issue debentures as authorized by the said by-law,

By-law 316 of
Rat Portage
confirmed.

and the said debentures so issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby authorized and empowered to do all acts and things necessary for the full and proper carrying out of the said By-law No. 316.

By-law for acquiring works and plant of Telephone and Electric Co. authorized

2. In case the *Municipal Corporation* of the Town of Rat Portage by a resolution of the Municipal Council of the said town duly evidenced under its corporate seal, elects to avail itself of the provisions of this section and delivers to the president or secretary of The Citizens' Telephone & Electric Company of Rat Portage, Limited, an original duplicate of such resolution within one month after the passing of this Act, the said municipal corporation may and is authorized and empowered, subject to the provisions and terms of Schedule B to this Act, to do all things and to exercise all powers requisite for carrying out the provisions contained in the said Schedule B, and upon the provisions contained in the said Schedule B being duly carried out by the said Municipal Corporation, the said Municipal Corporation shall thereupon be authorized and empowered to exercise the powers following:—

Town authorized to develop electric power;

(a) To generate or develop electric energy by means of water power or otherwise, either in the said municipality or elsewhere.

To construct and maintain a telephone line;

(b) To construct, erect and maintain its line or lines along the sides of, and across or under, any public highways, streets, bridges, water-courses or other such places: provided the said Municipal Corporation shall not interfere with the public right of travelling on or using such highways, streets, bridges or water-courses, and provided that in towns and incorporated villages, the said municipal corporation shall not erect any pole higher than forty feet above the surface of the street, nor affix any wire less than twenty-two feet above the surface of the street, nor carry any such poles or wires along any street without the consent of the municipal council having jurisdiction over the streets of the said town or incorporated village; and that in any town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall in towns be painted if so required by any by-laws of the council: and provided further that where lines of telegraph are already constructed, no poles shall be erected by the Municipal Corporation of the Town of Rat Portage in any town or incorporated village along the street where such poles are already erected, unless with the consent of the council having jurisdiction over the streets of such town or incorporated village: provided also that in so doing the Municipal Corporation of Rat Portage shall not cut down or mutilate any tree; and provided that in any town and incorporated village the opening up of the streets for the erection of poles, or for carrying the wires under ground

shall be done under the direction and supervision of the engineer or such other officer as the council of such towns or incorporated villages may appoint, and in such manner as such council may direct, unless such engineer, officer or council, after one week's notice in writing shall have omitted to make such direction: and provided also that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Municipal Corporation of the Town of Rat Portage: and provided further, that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the wires should be cut, the cutting under such circumstances of any of the wires of the Municipal Corporation of the Town of Rat Portage, under the direction of the chief engineer or other officer in charge of the fire brigade, shall not entitle the Municipal Corporation of the Town of Rat Portage to demand or claim compensation for any damages that might be so incurred.

(c) To purchase, lease or otherwise acquire and hold all such real estate, *water power or powers* as may from time to time be necessary and proper for the purposes and uses of the Municipal Corporation of Rat Portage in connection with the matters aforesaid and also to sell lease or otherwise dispose of the same, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit: provided always that such real estate acquired for the purposes hereinbefore mentioned shall at all times be held exclusively for the purposes and uses of the said company as by this Act authorized, and not otherwise.

To acquire
necessary real
estate;

(d) To contract and agree with any municipality, corporation or company or person for the purpose of lease of water-power and lands in connection therewith and for erecting and constructing buildings, plant, machinery and appliances for the purpose of such development.

To acquire
water power

(e) To purchase such lands and to erect such buildings, plant machinery and appliances.

To purchase
lands;

(f) To contract and agree with any municipality, corporation, company or person for the right to erect, construct, lay or affix any poles, conduits or wires or other necessary appliances over, under or along the lands, ways, roads, public or real property of such municipality, corporation, company or person.

To contract
with other
municipali-
ties;

(g) To carry or transport electric energy so developed thereon and to use and distribute, supply, sell or dispose of such electric energy in the Town of Rat Portage or in the vicinity thereof to any corporation, company or person or to any municipality.

To transport
electric
energy;

(h) To build, erect, construct, lease or purchase and operate buildings, plant, machinery or appliances for producing or *transforming* such electric energy for any purpose for which it is or may be used or for any of the purposes hereinbefore

To erect
plant, etc.

specified and particularly for the purposes set forth in Schedule B of this Act.

Proviso.

(2) The powers given by this section to be exercised beyond the limits of the Municipality of Rat Portage shall only be exercised under and subject to such by-law or by-laws as shall have been or may hereafter be passed with reference thereto by the *other* municipality or municipalities affected by the exercise of such powers.

The Citizens' Telephone and Electric Company bound.

3. The terms of the said *Schedule B* shall, upon the exercise by the Municipal Corporation of the Town of Rat Portage of the rights in the said *Schedule B* contained, apply to and be binding upon The Citizens' Telephone and Electric Company of Rat Portage, Limited, and on the Municipal Corporation of the Town of Rat Portage.

Authority given to change name of Town.

4. The Lieutenant-Governor in Council is authorized and empowered to change the corporate name of the said Town of Rat Portage to such other name as may be approved of by the said municipal corporation, on such terms and conditions as to notice or otherwise as the said Lieutenant-Governor in Council may direct

SCHEDULE A.

By-Law No. 316.

A by-law to provide for the issue of debentures of the Town of Rat Portage to the amount of twenty thousand dollars and to raise the sum required therefor for the purpose of making connections in and improving the system of water works therein.

Whereas the Municipality of the Town of Rat Portage have already from time to time made connections and improvements in the water works system of the said Town of Rat Portage and have obtained from the banks certain advances by way of temporary loan to the amount of twelve thousand dollars therefor.

And whereas it is necessary to re-pay such advances so received for said purposes.

And whereas it is necessary and expedient to make further connections and improve the said system of water works, and it will be necessary to borrow on the credit of the Municipality of the Town of Rat Portage for such purposes, the further sum of eight thousand dollars making in all the sum of twenty thousand dollars required to be raised under this by-law for the purposes aforesaid, said sum to be re-payable with interest at the rate of four per centum per annum in thirty annual instalments.

And whereas in order thereto it will be necessary to issue debentures of the said municipality for the sum of twenty thousand dollars as hereinafter provided (which is the amount of the debt intended to be created by this by-law), the proceeds of the said debentures to be applied to the purposes aforesaid and to no other.

And whereas owing to the separated portion of the West Ward of the Town of Rat Portage and its physical features it is impossible to construct water works in that ward without very great expense, said works will only serve the Centre, North and South Wards of the municipality.

And whereas Chapter 62 of 50 Victoria, amended by 55 Victoria, Chapter 83, section 20, provides for exemption under certain conditions for certain property in the municipality west of the second outlet of the Lake of the Woods, which comprises the West Ward of the Town of Rat Portage, as defined by 55 Victoria, Chapter 83, from assessment of any rate for the purposes of raising money for the payment of debentures which may be issued by the municipality.

And whereas the total amount that will be required to be raised by special rate on all the rateable property in the Centre, North and South Wards in the municipality in each year during the currency of the said debt to discharge the several instalments and interest respectively as the same becomes due according to the terms of this by-law is the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the whole amount of the rateable property of the said municipality according to the last revised assessment roll is one million six hundred and thirty-three thousand three hundred and seventy-three dollars, the amount of the rateable property in the Centre, North and South Wards is one million four hundred and ninety-seven thousand seven hundred dollars.

And whereas the total amount that will be required to be raised annually during the said period of thirty years by special rate for paying the said sum and interest will be the sum of eleven hundred and fifty-six dollars and sixty cents.

And whereas the amount of the existing debt of the said municipality is two hundred and forty-eight thousand seven hundred and twenty dollars and twenty-four cents, of which the proportion to be paid by the Centre, North and South Wards is two hundred and forty-one thousand eight hundred and forty-four dollars and twenty-eight cents, and no part of the principal and interest is in arrears.

Therefore the Municipal Council of the Corporation of the Town of Rat Portage enacts as follows:—

1. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized to raise by way of loan from any person, firm or company or corporation who may be willing to advance the same upon the credit of the debentures to be issued under this by-law the sum of twenty thousand dollars, for the purposes and objects recited in this by-law.

2. That it shall be lawful for the mayor and treasurer of the Town of Rat Portage, and they are hereby authorized and required to issue debentures of the Town of Rat Portage to the amount of twenty thousand dollars for the purposes aforesaid, which debentures shall be for the several amounts in the next section hereof, and shall be sealed with the seal of the said corporation, and signed by the mayor or head thereof for the time being, and countersigned by the treasurer thereof.

3. The said debentures shall be made payable at the office of the Imperial Bank of Canada, in the Town of Rat Portage, and shall bear interest at the rate of four per centum per annum from the first day of December in the year of our Lord one thousand nine hundred and one, which interest shall be payable at the said bank in the Town of Rat Portage on the first day of December in each year, which debentures shall have attached to them coupons for the payment of the said interest, and shall be for the amounts and shall be payable on the days and times following, that is to say:—

On the first day of December, 1902.....	\$356 60
“ “ “ 1903.....	370 87
“ “ “ 1904.....	385 70
“ “ “ 1905.....	401 13
“ “ “ 1906.....	417 17
“ “ “ 1907.....	433 86
“ “ “ 1908.....	451 22
“ “ “ 1909.....	469 26
“ “ “ 1910.....	488 03
“ “ “ 1911.....	507 56
“ “ “ 1912.....	527 86
“ “ “ 1913.....	548 97
“ “ “ 1914.....	570 93
“ “ “ 1915.....	593 77
“ “ “ 1916.....	617 52
“ “ “ 1917.....	642 22
“ “ “ 1918.....	667 91
“ “ “ 1919.....	694 62
“ “ “ 1920.....	722 42
“ “ “ 1921.....	751 31
“ “ “ 1922.....	781 36
“ “ “ 1923.....	812 60
“ “ “ 1924.....	845 12
“ “ “ 1925.....	878 92
“ “ “ 1926.....	914 08
“ “ “ 1927.....	950 64
“ “ “ 1928.....	988 67
“ “ “ 1929.....	1,028 22
“ “ “ 1930.....	1,069 34
“ “ “ 1931.....	1,112 12

4. That the sum of eleven hundred and fifty-six dollars and sixty cents shall be raised and leviable on all the rateable property in the centre, north and south wards of the said municipality in each and every year during the currency of the said debt by special rate sufficient to discharge the several instalments and interest accruing due on the said debt as the said instalments and interest become due respectively payable according to the terms of this by-law.

5. That this by-law shall take effect on the first day of December in the year of our Lord one thousand nine hundred and one.

6. That the votes of the electors of the Centre, North and South wards of the said Town of Rat Portage shall be taken on the 15th day of August in the year of our Lord one thousand nine hundred and one, at a poll to be opened at the following places and with the following deputy returning officers.

CENTRE WARD.

Polling sub-division No. 1, at the town hall in the said Town of Rat Portage, by D. A. Pender, deputy returning officer.

Polling sub-division No. 2, at the old office of P. H. Clark, in the Town of Rat Portage, by H. F. Holmes, deputy returning officer.

NORTH WARD.

Polling sub-division No. 1, at the court house in the Town of Rat Portage, by J. W. Pickett, deputy returning officer.

Polling sub-division No. 2, at the Central public school in the Town of Rat Portage, by M. Seegmiller, deputy returning officer.

SOUTH WARD.

Polling sub-division No. 1, at D. McMurphy's, jr., house, by D. McMurphy, jr., deputy returning officer.

Polling sub-division No. 2, at the school house in the south ward of the Town of Rat Portage, by J. H. Challoner, deputy returning officer.

And that the said poll shall be opened at the hour of nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day.

7. That on the 14th day of August in the year of our Lord one thousand nine hundred and one, at the hour of eleven o'clock in the forenoon, the Mayor or the head of the municipality for the time being shall appoint, in writing signed by him, two persons to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law.

8. That on the 16th day of August in the year of our Lord one thousand nine hundred and one, being the Thursday following the said poll, the clerk of the said Town of Rat Portage shall at the town hall in the said Town of Rat Portage at twelve o'clock, noon, attend and shall sum up the number of votes given for and against this by-law and then and there declare to the persons present whether the requisite number of electors voted in favor of passing this by-law or contrary thereto.

9. Notice of the time appointed for taking a poll of the electors on this by-law shall be published for three weeks, and a copy of this by-law at length as the same may be ultimately passed, and the notice of the day appointed for finally considering the same in council shall be published for three weeks in "The Weekly News", one of the newspapers published in the municipality of the Town of Rat Portage before the final passing of this by-law,

Done and passed in open council this twenty-sixth day of August, A. D. 1901.

(Sgd.) JOHN KERR BRYDON,	}	(Sgd.) D. H. CURRIE,
Acting Mayor.		Clerk.

SCHEDULE "B."

MEMORANDUM OF AGREEMENT MADE THIS 7TH DAY OF MARCH, A.D. 1902.

Between The Corporation of the Town of Rat Portage, hereinafter called "The Corporation," of the first part; and The Citizens' Telephone & Electric Company of Rat Portage, Limited, hereinafter called "The Company," of the second part. Witnesseth

1. The company agrees to sell and the corporation agrees to buy all the works of the company and all property owned or used in connection therewith for the purpose of supplying electric light, heat and power or for the purpose of supplying telephone or fire alarm service, including electrical appliances in stock as described by clause 2 whether the works or property or any of them are within or without the municipality.

2. The value of the works of the said company and all property owned or used in connection therewith as aforesaid save as hereinafter expressly provided shall be determined in accordance with the provisions of *The Municipal Act* sec. 566, sub-sec. 4, S. S. A. (3), and the provisions of this agreement and the said subsection shall for the purpose of this agreement

apply to the telephone and fire alarm branch of the business of the company equally in all respects as if the said section specifically covered a telephone and fire alarm service. All electrical appliances for the company's own use *being* extra parts on hand not in actual use and all electrical appliances on hand for sale shall be taken at net cost including freight, subject to proper deduction if same have become old or obsolete.

3. All moneys due and payable to the company for light, heat, power, telephone or fire alarm service furnished or rendered by it prior to the date when the said corporation takes possession of the works and property of the company as herein provided shall remain the property of the company and shall be collected by it.

4. All moneys *accruing* due, but not yet payable to the company in respect to light, heat, power, telephone or fire alarm service furnished or rendered by the company prior to the date of the said corporation taking possession shall become the property of the corporation, and shall be paid for forthwith by the corporation to the company, less any sum payable by the company to the corporation in respect of telephone service prepaid, the adjustment in each case to be made as of the date of taking possession.

5. All existing contracts of the company with respect to the supplying of light, heat, power, telephone or fire alarm service shall be assumed and carried out by the corporation, and the corporation hereby indemnifies the company against all loss, costs or damages that the company may be put to or sustain by reason of the said agreements, contracts or any of them not being carried out by the corporation from the time when it takes possession.

6. The price to be paid by the corporation to the company shall be the actual value of the works and property of the company, as determined by the arbitrators, with $12\frac{1}{2}$ per cent. added to cover the goodwill, franchises, contracts, etc., it being specially understood that no allowance, save as herein *provided*, shall be made for any existing contracts, whether between the company and the corporation or between the company and others nor for franchises or good will, nor shall the price or value of the shares of the company be considered as an element in determining such value or price.

7. The parties hereto will co-operate together for securing new leases and agreements on the most advantageous terms possible of the lands, property and rights now enjoyed by the company under their lease from the Hudson's Bay Company and of the water power adjacent thereto.

8. The said agreements and leases to be taken in the name of the company but to be assigned and conveyed to the corporation along with all other assets when the corporation pays the purchase price under the terms of this agreement without the payment of any additional consideration, save and except the amount, if any, expended after the passing of the Act ratifying this agreement by the company to acquire, develop and utilize the rights, properties and privileges mentioned in clause 7 hereof, and the costs, if any, incurred by the company in procuring such leases and agreements.

9. Save as provided in clause 8 hereof, the arbitrators in determining the value of the works and property of the company shall not make any allowance for the value of the company's rights under such new agreements or leases (if any) nor for such works or property as under the terms of the present lease revert on its expiry to the Hudson Bay Company, but save as aforesaid, the works and property of the company shall be valued as if the company had a current lease of the lands, property and rights of the Hudson Bay Company, now occupied and enjoyed by them.

10. The amount of the purchase price to be paid by the corporation to the company shall be ascertained by arbitration. Two arbitrators shall within one month after the corporation notifies the company of its intention to exercise the rights given by this agreement, be appointed, one by

the corporation and one by the company and the two so appointed shall within 14 days after their appointment select a third, and in default of the said arbitrators being able to agree upon a third arbitrator the same shall be appointed by the Chancellor of Ontario or by the Chief Justice of the King's Bench Division of the High Court of Ontario.

Save as herein otherwise specially provided *The Act Respecting Arbitration and References*, R. S. O. Chap. 62, shall apply to and govern the said arbitration and award and all proceedings arising out of or incidental thereto.

The said arbitrators shall make their award within three months from the date after the said notification by the corporation to the company unless the time thereof is extended pursuant to the conditions of *The Act Respecting Arbitration and References*.

There shall be no appeal from the award of the said arbitrators.

The arbitrators may personally inspect, examine and view the works and property to assist them in arriving at their award.

11. The said corporation shall pay to the said company the said purchase price as fixed by the said arbitrators within two months after the date the said arbitrators shall have made their award. Adjustments shall be made as of the date of taking possession in respect of the matters set forth in clause 4 hereof, and also in respect of any variations in quantities of supplies, parts, etc., from the quantities taken by the arbitrators, as the basis of their award.

12. As soon as the amount to be paid by the corporation to the company ascertained as aforesaid has been paid or secured to the satisfaction of the company the corporation may take possession of the said works of the company and of all property owned or used in connection therewith for the purpose of supplying electric light, heat and power and for supplying telephone and fire alarm service whether the works or property or any of them are within or without the municipality, and concurrently with payment by the corporation to the company of the full purchase price as aforesaid the company shall execute and deliver to the corporation proper transfers, deeds and conveyance to vest the said works and property in the corporation.

13. Until the said price is paid and possession taken the company shall retain and operate its plant and works under existing agreements.

14. In the event of the corporation not paying over to the company the purchase price as fixed by the said arbitrators or securing the same to the satisfaction of the company within two months after the said arbitrators shall have made their award the said corporation shall at the option of the company forfeit all right under the provisions of this agreement, and shall forthwith after taxation thereof pay to the company all costs incurred by it of this agreement and the arbitration and award taken and made thereunder, and of all litigation referred in paragraph 20 hereof.

15. The Council of the corporation may at any time hereafter without submitting the by-law to the ratepayers pass a by-law for the borrowing of the money necessary to pay the purchase price and all other costs, charges and expenses to which the corporation may be put in connection herewith and may levy a special rate and may issue debentures of the Town of Rat Portage for the purpose of securing the debt incurred in paying the said purchase price, costs and expenses.

16. The periods *hereinbefore* provided for the doing of acts by the corporation may be extended from time to time by the company but no such extension shall operate as a waiver by the company of any rights of forfeiture herein provided but all such rights may be exercised after any extension so given as fully and as effectually as before.

17. Upon the corporation taking possession of the works and property of the company, the company shall hand over to the corporation the books

of the company showing the persons, firms or corporations with which the company is dealing or shall furnish to the corporation a copy thereof so far as the same may be necessary to fully inform the corporation as to the business being carried on by the company.

18. Upon *possession* being taken as aforesaid the company shall *until its business is wound up* give to the corporation access at all reasonable times to any letters, books or invoices of the company or such other books of the company as shall be found reasonably necessary to enable the corporation to properly carry on said business.

19. Any difference arising as to the carrying out of clauses 17, or 18 or as to the transfers deeds or conveyances mentioned in clause 12, shall be determined summarily by the local judge at Rat Portage.

20. Each party shall bear their own costs of all litigation heretofore incurred between them both in the High Court and in the Court of Appeal and the appeals now pending shall be dismissed without costs.

In witness whereof the parties have hereunto set their corporate seals by the hand of their respective officers on the day and year first above written.

Signed, sealed and delivered
In the presence of

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act respecting the Town of Ra
Portage.

First Reading, , 1902.

(Reprinted as amended by Private
Bills Committee.)

Mr. CONNELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Perth.

WHEREAS the municipal corporation of the Town of Perth Preamble.
in order to enhance the value of the debentures herein-
after referred to, has by petition prayed for special legislation
validating and confirming the by-laws, debentures and assess-
5 ments hereinafter referred to ; and whereas no objections
have been raised to either of said by-laws ; and whereas it is
expedient to grant the prayer of the said petition ;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
10 as follows :—

1. By-laws No. 860 and No. 870 of the municipal corporation
of the Town of Perth providing for the issue of debentures,
passed by the council of the said corporation on the
27th day of January, A. D. 1902, the particulars of which are
15 set out below, and all debentures issued or to be issued there-
under and all assessments made or to be made for payment
thereof are hereby validated, confirmed, valid and binding.

By-law No. 869 for issue of \$12,155.51 debentures payable
in 20 annual payments at 4 per cent. being town's share of
20 granolithic improvements.

By-law No. 870 for issue of \$5,031.00 debentures payable in
20 annual payments at 4 per cent. being property owners'
share of granolithic improvements.

By-laws Nos.
869 and 870
for issue of
debentures
confirmed.

No. 67.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Town of Perth.

First Reading, , 1902.

(Private Bill.)

Mr. MATHESON.

TORONTO :

PRINTED BY I. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Perth.

WHEREAS the Municipal Corporation of the Town of Perth Preamble.
in order to enhance the value of the debentures herein-
after referred to, has by petition prayed for special legislation
validating and confirming the by-laws, debentures and assess-
ments hereinafter referred to; and whereas no objection
has been raised to either of said by-laws ⁴²⁷ and no opposi-
tion has been offered to their confirmation ⁴²⁸; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :—

1. By-law No. 869, of the municipal corporation of the Town By-laws Nos. 869 and 870 for issue of debentures confirmed.
Perth, finally passed by the municipal council of the said town of
on the 27th day of January, 1902, providing for the issue of
debentures to the amount of \$12,155.51, payable in twenty
annual installments, and bearing interest at the rate of 4 per
cent. per annum, being the town's share of the cost of certain
granolithic pavement improvements, and by-law number 870
of the said municipal corporation, finally passed by the muni-
cipal council of the said town on the said date, providing for
the issue of debentures to the amount of \$5,031 payable in
like manner, and bearing interest at the rate aforesaid, being
the property owners' share of the cost of the said improve-
ments, and all debentures issued or to be issued thereunder,
under and all assessments made or to be made for payment
thereof are hereby validated, confirmed and declared to be
legal and binding upon the said municipal corporation.

(2) Notwithstanding anything in the said by-laws or in this
Act contained the said property assessed thereunder shall be en-
titled to exemption upon the value of the land only and not of
the improvements thereon from any general rate or assessment
for the cost of construction of granolithic, asphalt, cement or
brick sidewalks to the extent of one-third of such rate only. ⁴²⁹

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Town of Perth.

First Reading, 11th February, 1902.

Reprinted as amended in Private Bills
Committee.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act confirming a certain By-law and Agreement
of The Municipal Corporation of the Township of
Cornwall.

WHEREAS, The Toronto Paper Company, Limited, by Preamble.
their petition have prayed that an Act may be passed
confirming a certain by-law of the corporation of the Town-
ship of Cornwall, and a certain agreement made between the
5 corporation of the Township of Cornwall and the Toronto
Paper Company, Limited, which are fully set forth in Sched-
ules A and B respectively to this Act. The said by-law and
agreement exempting a certain portion of the property of the
Toronto Paper Company, Limited, for a period of ten years
10 from municipal and school taxes and fixing the proportion of
the assessment of the remainder of the property of the Toronto
Paper Company, Limited, upon which the municipal corpora-
tion are to levy taxes for municipal and school purposes, for a
period of ten years from the first day of January, A D., 1902 ;
15 and whereas the said by-law was unanimously passed by the
municipal council of the Township of Cornwall, and the said
agreement was entered into upon certain conditions which the
said Township of Cornwall considered favorable ; and whereas
the said corporation of the Township of Cornwall has by its
20 petition prayed that an Act may be passed confirming the
said by-law and agreement ; and whereas it is expedient to
grant the prayer of the said petitions ;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
25 as follows :—

1. That the said by-law of the municipal corporation of the By-law
Township of Cornwall No. 677, of the year 1902, together No. 677 re To-
with the said agreement referred to in the said by-law, and ronto Paper
the said by-law and agreement being set forth in full in Company
30 Schedules A and B to this Act, are hereby confirmed and confirmed.
declared legal, valid and binding, in the same manner and to the
same extent as if set out at length, in the provisions thereof
enacted in this Act, anything contained in *The Assessment Act*
or any other Act to the contrary, notwithstanding.

SCHEDULE A.

By-Law No. 677, OF THE CORPORATION OF THE TOWNSHIP OF
CORNWALL.

By-Law No. 677 of the Corporation of the Township of Cornwall, in the County of Stormont, of the year 1902, for exempting the new portions of the Toronto Paper Company's mills in the Township of Cornwall, and for fixing the proportion of the assessment upon the old portions of the Toronto Paper Company's mills in the Township of Cornwall, upon which said company are required to pay municipal and school taxes for a period of ten years from the 1st day of January A.D. 1902.

Whereas, the Corporation of the Township of Cornwall have entered into an agreement, bearing even date herewith, with the Toronto Paper Company, Limited, to exempt the newer portions of the said Toronto Paper Company's mills in the Township of Cornwall, and to fix the assessment of all the other real estate buildings, machinery and other property immediately used or connected therewith, belonging to the company's mills, in the Township of Cornwall at 33½ per cent. of \$210,000.00 for a period of ten years from the 1st day of January A.D. 1902, upon the terms, provisions and conditions in said agreement contained.

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto.

Be it therefore enacted, by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with the Toronto Paper Company, Limited, bearing date the first day of February A.D. 1902.

And it is therefore enacted that the said agreement with the Toronto Paper Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this first day of February, in the Year of our Lord, one thousand nine hundred and two.

(Sgd.) ROBT. A. SHEARER, Reeve.

(Sgd.) JOHN MULLIN, Tp. Clerk.

Seal]

SCHEDULE B.

This Agreement made between the Corporation of the Township of Cornwall in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the First Part, and the Toronto Paper Company, Limited, a body corporate and politic, hereinafter called the Company of the Second Part.

Whereas, the Toronto Paper Company, Limited, has for a number of years operated a paper mill and pulp mill in the Township of Cornwall, near the Town of Cornwall.

And whereas, owing to improvements which have of late years been made in paper machinery and in the process of making paper, the com-

pany found it was in their interests to enlarge the capacity of their said mill.

And whereas, the period of exemption has expired upon the older portions of the Toronto Paper Company's mills.

And whereas, the Toronto Paper Company, Limited, are about making additions to their buildings and machinery connected with their manufacturing property, in the Township of Cornwall, known as the Toronto Paper Company, to the amount of \$90,000.

And whereas, in consideration of the proposed additions to the said company's said property and the expenditure of the said sum of money, and the employment of a number of hands in the company's mills in the Township of Cornwall, the corporation deem it advisable to enter into a new contract with the company, for the purpose of exempting the newer portions of said mill from taxation for a period of ten years, and fixing the amount of assessment on which taxes are to be levied for municipal and school purposes on all the rest of the company's real estate, buildings, machinery and other property immediately used or connected therewith, excepting and excluding, however, all boarding houses, dwelling houses or residences of managers or other employees of the company in the Township of Cornwall.

This agreement witnesseth, that the corporation hereby agree to exempt the new portions of said company's property for the period of ten years, from the 1st day of January, A.D. 1902, from municipal taxes and statute labor; and further exempts the new portions of said mill from school taxes upon conditions that the said Toronto Paper Company give to the corporation all the coal cinders not required for their own use, to be used by the township for their roads.

And the corporation further agree to fix the assessment of all other real estate, buildings, machinery and property immediately used or connected therewith, belonging to the company's mills or factories in the Township of Cornwall at 33 $\frac{1}{3}$ per cent. of \$210,000, for the period of ten years from the 1st day of January A.D. 1902.

And the company agree with the corporation that in consideration of the commutation of the assessment and taxes as aforesaid, that they will fully equip with modern machinery the new addition to their factory, which is now in course of erection, and will expend not less than \$90,000 on same.

And the company further agree with the corporation that they will employ not less than forty hands uniformly and continuously and from day to day, while running for the said term of said years in their factory in the Township of Cornwall.

The company further agree with the corporation to run and operate all and each their factories in the Township of Cornwall, to the full capacity of all and every department thereof, during the said term of ten years, or not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of 26 days of 10 hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

And the company further agree with the corporation that in the event of the company making default in the running of their mills, in accordance with the terms aforesaid, at any time during the said term of ten years when and so often as such default shall happen, then all the real estate, buildings, machinery and other property of the company, in the Township of Cornwall, shall be assessed according to law and be liable for taxes for the year in which such default happens, as if this agreement had not been entered into, and no Act of the Provincial Legislature had been passed ratifying and validating the same.

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same, together with a by-law of the Municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

And it is further agreed that wherever the word " company " is used in this agreement, the same shall be taken and construed to mean the Toronto Paper Company, their successors, assigns and transferees.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal and the president of the Toronto Paper Company Limited, has hereunto subscribed his hand and affixed the company's seal this 1st day of February A. D. 1902.

(Signed) L. ROBT. A. SHEARER

Reeve.

(Signed) JOHN MULLIN, TP.

Clerk

[Seal]

5th Session, 9th Legislature,
2 Edward VII, 1903.

BILL.

An Act confirming a certain By-Law and
Agreement of the Municipal Corporation
of the Township of Cornwall.

First Reading, , 1902.

(Private Bill.)

MR. McLAUGHLIN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Canada Western Railway Company.

WHEREAS D. C. Cameron, of the Town of Rat Portage, in the District of Rainy River, lumberman; F. H. Sangster, of the Village of Wabigoon, in the District of Rainy River, solicitor; M. B. Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer; A. C. Paul of the said City of Minneapolis, in the State of Minnesota, attorney at law, and Thomas R. Deacon, of the Town of Rat Portage, in the District of Rainy River, mining engineer, have by their petition prayed for an Act of incorporation, under the name of "The Canada Western Railway Company," for the purpose of constructing, maintaining and operating a railway from a point at or near the Village of Fort Francis in the District of Rainy River northerly by the most feasible route, via Dryden or Rat Portage, to a point on the western boundary of the Province of Ontario, at or near the confluence of the waters of the Winnipeg and English Rivers; and it has been represented that the line of railway of the company so to be incorporated will, for the most part be constructed in the unorganized part of the province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul and Thomas R. Deacon, and such other persons as shall become provisional directors, and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Canada Western Railway Company" hereinafter called the company.

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, build, equip and maintain a railway, to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the Village of Fort Francis, in the District of Rainy River, northerly by the most feasible route, via Dryden or Rat Portage to a point on the Western boundary of the Province of Ontario at or near the confluence of the waters of the Winnipeg and English Rivers, and to construct branch lines, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the main line of the said railway. And the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional
directors.

4.—(1) The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul and Thomas R. Deacon shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors: such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws pro-

viding for the time, place or manner of calling future meetings of the said board of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and shall have all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the
or at such other place as may best suit the interests of the company.

Powers of
provisional
directors.

Rev., Stat.,
c. 207.

6. The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 2,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

Rev. Stat.
c. 207.

7. When and so soon as shares to the amount of \$ of the capital stock in the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of

First meeting
for election of
directors.

the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the District of Rainy River, of the time, place and purpose of the said meeting. 5

Directors—
first election
of.

8. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director. 10 15 20

Rev. Stat.
c. 207.

Qualification.

9. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Rights of
aliens:

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company. 25 30

Calls.

11. The directors may, from time to time, make calls on the subscribed stock of the said company, as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of such call, as hereinafter provided in section 13 of this Act. 35

Head office.

12. The head office of the company shall be at the Village of Fort Francis in the District of Rainy River.

General
annual
meetings.

13. The general annual meeting of the shareholders of the company shall be held in such place in the said Village of Fort Francis, or at such other place in the Province of Ontario, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously, by publishing the same in the *Ontario Gazette* and once a week in one newspaper published in the District of Rainy River during the four weeks 40 45

immediately preceeding the week in which such meeting is to take place.

14. Special general meetings of the shareholders of the said company may be held at such places, at such times, in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceeding section. Special general meetings.

15. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Voting by proxy.

16. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed shall be actually paid thereon within one month after subscription. Subscriptions not binding till approved.

17. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Shares, transfer of.

18. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Bonds.

19. All such bonds, debentures and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Bonds, how transferable.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the Negotiable instruments.

company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to said promissory note or bill of exchange, nor shall the president, vice president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging
bonds.

21. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Payments in
paid up stock
or bonds.

22. The directors of the said company, provisional or elected, may pay or agree to pay in paid up stock, or in the bonds of the company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters, or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not, and any agreement so made shall be binding on the company.

Construction
of line in
section.

Rev. Stat.
c. 207.

23. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the way, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of the said sections of said railway, or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass,

together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to plans and surveys.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or at a greater advantage than by purchasing sufficient land for the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 207.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the tender of compensation and the award shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Taking land for gravel pits, etc.

Rev. Stat. c. 207.

26.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right

Sidings to gravel pits.

Rev. Stat. c. 207.

of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 5

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. 10

Telegraph and
telephone line.

27. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid. 15 20 25

General
powers.

Power houses,
docks, etc.

28. The company shall have power and authority:—

(1) To purchase land for, and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found unnecessary for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway; 30 35

Stations,
wharfs, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; 40 45

Production of
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company;

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power,* and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Disposing of electric power.

Rev. Stat. c. 207.

(5) To acquire, by purchase or lease, the right to convey electricity required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which said works, or any part thereof, or of the railway, may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

Bringing electricity through other lands.

29. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyance to company.

30.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or

Construction line on highways.

thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid, so far as possible, any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable river. 5

Rev. Stat.
c. 223.

(2) The by-laws mentioned in sub-section 5 of section 28, 15 and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Snow fence.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following. 25

Agreements
for leasing its
rolling stock.

32. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others, on such terms as to compensation or otherwise, as may be agreed on. 30 40

Agreements
with other
companies.

33. The company is authorized to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such 45

amalgamation are to be approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

- 5 **34.** The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Rail-
 10 way Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the
 15 Algoma Central Railway Company, the Canada Northern Rail-
 20 way Company, and any other railway company, the lines of
 25 which are approached or crossed by the line or lines of the
 30 company, if lawfully empowered to enter into such agreements,
 upon terms to be approved by two-thirds in value of the share-
 holders at a special general meeting to be held for that pur-
 35 pose, and it shall also be lawful for the said company to enter
 into any agreement with any or either of the said railway
 companies, if lawfully authorized to enter into such an agree-
 ment, for the sale or leasing or hiring of the whole, or any
 portion of the railway herein authorized, or the use thereof, or
 for the sale or lease or hiring any locomotives, tenders, plant
 or rolling stock, or other property or of any part thereof, or
 touching any service to be rendered by one company to the
 other, and the compensation therefor, if the arrangements and
 agreements shall be approved of by two-thirds in value of the
 shareholders voting in person or by proxy, at a special general
 meeting to be called for that purpose; and such agreement
 shall be valid and binding, according to the terms and tenor
 thereof, and the company purchasing, leasing or entering into
 such an agreement for using the said railway, may and are
 hereby authorized to work the said railway, and in the same
 manner as if incorporated with their own line; but nothing
 in this or in the preceding section shall be construed as pur-
 porting to confer rights or powers upon any company which is
 not within the legislative authority of the Province of
 Ontario.

- 35 **35.** The company may receive from any government, or
 from any persons or bodies corporate, municipal or politic,
 who have power to make or grant the same, aid towards the
 construction, equipment or maintenance of the said railway, by
 40 way of gift, bonus or loan of money or debentures, or other
 securities for money, or by way of guarantee upon such terms
 and conditions as may be agreed upon.

- 45 **36.** Any municipality, or any portion of a township muni-
 cipality which may be interested in securing the construction
 of the said railway, or through any part of which, or near
 which the railway or works of the company shall pass, or be
 situate, may aid the company by giving money or debentures
 by way of bonus, gift or loan, or by the guarantee of the mun-
 50 icipal corporation under and subject to the provisions herein
 after contained; provided always that such aid shall not be

given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonus to railways. 5

Submitting
bonus
by-laws.

37. Such by law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within 10 six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council, or 15 of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident 20 freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that 25 of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions in
bonus
by-laws.

38. Such by-law shall, in each instance, provide:—

(1) For raising the amount petitioned for in the municipal- 30 ity, or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application 35 of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in such by-law (as the case may be) an annual 40 special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue 45 in such cases respectively.

Deposit of
expenses of
bonus by-law.

39. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the muni-

unicipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

40. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to.

41. Within one month after the passing of such by-law the said council, mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

42. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of said municipality. Aid from portion of township.

43. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Rev. Stat., c. 223, to bonus by-laws.

44. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. By-law extending time commencement.

45. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to said bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. By-law extending time for completion.

46. Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein. Bonus may increase rate to three cents

By-laws exempting from municipal taxation.

47. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the railway and its property within such municipality, either in whole or in part from 5 municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation 10 may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grant of land from municipalities.

48. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the 15 company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from 20 any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipality debentures.

49. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the 25 railway company, the debentures therefor shall within six months after the passing of the by law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have 30 granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant Governor in 35 Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his 40 place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 45

Trusts of debentures.

50. The said trustee shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or 50

amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Western Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the
 5 company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law
 10 have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who
 15 may sue therefor.

51. The trustees shall be entitled to their reasonable fees Fees of trustees. and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

20 52. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, Collecting back charges on goods. and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the
 25 person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges

53. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several Application of Rev. Stat. c. 207.
 30 clauses of *The Railway Act of Ontario*, and of every act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments here-
 35 of; and the expression "this Act", when used herein, shall be understood to include the clauses of the said *Railway Act* and of every act in amendment thereof so incorporated with this Act.

54. The railway hereby authorized shall be commenced Time for commencement and completion.
 40 within three years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE A.

Know all men by these presents that I (r we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Canada Western Railway Company ; the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Canada Western Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of one thousand nine hundred and
Signed sealed and delivered, in the presence of,

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Canada Western Railway Company's Office.

No.

A.D. 190

Engineer's Department.

Certificates to be attached to cheques drawn on The Canada Western Railway Company Municipal Trust Account given under section of the Acts of the Legislature of Ontario, passed in the chapter year of His Majesty's reign.

I, chief engineer of The Canada Western Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of 19 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

No. 69.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate The Canada Western
Railway Company

First Reading,	1902.
----------------	-------

(Private Bill.)

MR. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Canada Western Railway Company.

WHEREAS D. C. Cameron, of the Town of Rat Portage, in the District of Rainy River, lumberman; F. H. Sangster, of the Village of Wabigoon, in the District of Rainy River, solicitor; M. B. Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer; A. C. Paul of the said City of Minneapolis, in the State of Minnesota, attorney at law, Thomas R. Deacon, of the Town of Rat Portage, in the District of Rainy River, mining engineer, ^{and} John M. Smith of the City of Toronto, Comptroller, Allan M. Royce, Barrister, and Francis C. Annesley, Gentleman, both of the said City of Toronto, ^{and} have by their petition prayed for an Act of incorporation, under the name of "The Canada Western Railway Company," for the purpose of constructing, maintaining and operating a railway from a point at or near the Village of Fort Francis in the District of Rainy River northerly by the most feasible route, via Dryden or Rat Portage, to a point on the western boundary of the Province of Ontario, at or near the confluence of the waters of the Winnipeg and English Rivers; and it has been represented that the line of railway of the company so to be incorporated will, for the most part be constructed in the unorganized part of the province; and it is proposed to operate the same by steam or electricity; and whereas owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul, Thomas R. Deacon, ^{and} John M. Smith, Allan M. Royce and Francis C. Annesley ^{and} and such other persons as shall become provisional directors, and such other persons and cor-

Incorporation.

porations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Canada Western Railway Company" hereinafter called "the company."

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, build, equip and maintain a railway, to be operated by steam or electricity, with double or single iron or steel tracks, from a point at or near the Village of Fort Francis, in the District of Rainy River, northerly by the most feasible route, via Dryden or Rat Portage to a point on the Western boundary of the Province of Ontario at or near the confluence of the waters of the Winnipeg and English Rivers, and to construct branch lines, none of which are to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the main line of the said railway. And the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of the said corporations, and between the company and the road companies (if any) interested in such highways, and the company may make and enter into any agreement with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act* and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional
directors.

4.—(1) The said D. C. Cameron, F. H. Sangster, M. B. Lloyd, A. C. Paul, Thomas R. Deacon, John M. Smith, Allan M. Royce and Francis C. Annesley shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders.

(2) The said provisional directors shall have power to add to their number, or to substitute for any member of the said board of provisional directors (whether named in this Act, or by the said provisional directors) who may desire to resign or withdraw from his position as a provisional director of the said company, any other person as a provisional director thereof; and all such persons as shall, from time to time, be

provisional directors of the said company, pursuant to the provisions of this Act, shall constitute the board of provisional directors thereof.

(3) The first meeting of the board of provisional directors may be called upon notice signed by or on behalf of three provisional directors: such notice to be mailed to the said provisional directors at their respective places of address, as set forth in this Act; and the said board of provisional directors may, from time to time, pass resolutions or by-laws providing for the time, place or manner of calling future meetings of the said board of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway; and shall have all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said provisional directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interests of the company.

Powers of
provisional
directors.

Rev., Stat.,
c. 207.

6. The capital stock of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 2,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the work hereby authorized; and the remain-

Capital stock.

Rev. Stat.
c. 207.

der of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First meeting
for election of
directors.

7. When and so soon as shares to the amount of \$100,000 of the capital stock in the company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom, unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in the *Ontario Gazette*, and in at least one newspaper published in the District of Rainy River, of the time, place and purpose of the said meeting.

Directors—
first election
of.

8. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum of the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*, and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification.

9. No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Rights of
aliens:

10. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Calls.

11. The directors may, from time to time, make calls on the subscribed stock of the said company, as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of such call, as hereinafter provided in section 13 of this Act.

Head office.

12. The head office of the company shall be at the Village of Fort Francis in the District of Rainy River.

13. The general annual meeting of the shareholders of the company shall be held in such place in the said Village of Fort Francis, or at such other place in the Province of Ontario, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously, by publishing the same in the *Ontario Gazette* and once a week in one newspaper published in the District of Rainy River during the four weeks immediately preceeding the week in which such meeting is to take place. General annual meetings.

14. Special general meetings of the shareholders of the said company may be held at such places, at such times, in such manner and for such purposes as may be provided by the by-laws of the company, upon such notice as is provided in the last preceeding section. Special general meetings

15. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. Voting by proxy.

16. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed shall be actually paid thereon within one month after subscription. Subscriptions not binding till approved.

17. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Shares, transfer of.

18. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections. Bonds.

19. All such bonds, debentures and other securities and coupons, and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Bonds, how transferable.

Negotiable
instruments.

20. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to said promissory note or bill of exchange, nor shall the president, vice president or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Pledging
bonds.

21. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Directors em-
powered to
pay in stock.

22. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof, including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Construction
of line in
section.

23. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the

lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of the said sections of said railway, or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof, with respect to plans and surveys.

Rev. Stat.
c. 207.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or at a greater advantage than by purchasing sufficient land for the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to
purchase
whole lots.

Rev. Stat.
c. 207.

25. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of acquiring the roadway, and the notice of arbitration, the tender of compensation and the award shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right

Taking land
for gravel
pits, etc.

Rev. Stat.
c. 207.

to convey, and the parties from whom the land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

26.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

Telegraph and
telephone line.

27. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any unoccupied lands of the Crown for any or all the purposes aforesaid.

General
powers.

Power houses,
docks, etc.

28. The company shall have power and authority:—

(1) To purchase land for, and erect power houses, warehouses, elevators, docks, stations, workshops, machine shops,

foundries and offices, and to sell and convey such land as may be found unnecessary for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite, from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Stations,
wharfs, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company;

Production of
electricity.

(4) To sell or lease ^{and} in the unorganized territory, and in any municipality where such sale or lease is authorized by by-law of the council of the municipality and subject to the terms and conditions of such by-law, ^{and} any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act Respecting Companies for Supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light or Power,* and to acquire and hold any property necessary for the purposes mentioned in this subsection.

Disposing of
electric power

Rev. Stat.
c. 207.

(5) To acquire, by purchase or lease, the right to convey electricity required for the working of the railway and lighting or heating the same, over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which said works, or any part thereof, or of the railway, may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. And with the consent of the Lieutenant-Governor in Council to enter upon, use, occupy and enjoy any

Bringing elec-
tricity through
other lands.

unoccupied lands of the Crown for any or all the purposes aforesaid.

Form of
conveyance
to company.

29. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Construction
line on high-
ways.

30.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of section 2 of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid, so far as possible, any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable river.

Rev. Stat.,
c. 223.

(2) The by-laws mentioned in section 2, sub-section 5 of section 28, and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Snow fence.

31. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

32. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others, on such terms as to compensation or otherwise, as may be agreed on.

Agreements
for leasing its
rolling stock.

33. The company is authorized to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company the lines of which are approached or crossed by the line or lines of the company, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided^{that} that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid at a general meeting especially called for that purpose.

Agreements
with other
companies.

34. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Ontario, Hudson's Bay and Western Railways Company, the Algoma Central Railway Company, the Canada Northern Railway Company, and any other railway company, the lines of which are approached or crossed by the line or lines of the company, if lawfully empowered to enter into such agreements, upon terms to be *first authorized* by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into any agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole, or any portion of the railway herein authorized, or the use thereof, or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock, or other property or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be *so authorized* by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and such agreement shall be valid and binding, according to the terms and tenor

Running ar-
rangements
with other
companies.

thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this or in the preceding section shall be construed as purporting or *intending* to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to make connections, to be subject to subsequent legislation.

35. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Aid for construction of.

36. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Municipal bonuses.

37. Any municipality, or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass, or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions herein-after contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonus to railways.

Submitting bonus by-laws.

38. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council, or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

39. Such by-law shall, in each instance, provide:—

Provisions in
bonus
by-laws.

(1) For raising the amount petitioned for in the municipality, or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality, or portion of the township municipality defined in such by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively.

40. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit of
expenses of
bonus by-law.

41. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to
pass by-law if
assented to.

42. Within one month after the passing of such by-law the said council, mayor, warden, reeve or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of
debentures.

Aid from
portion of
township.

43. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of said municipality.

Application
of Rev. Stat.,
c. 223, to
bonus-by-laws.

44. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality.

By-law ex-
tending time
commence-
ment.

45. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

By-law ex-
tending time
for comple-
tion.

46. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to said bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Bonus may
increase rate
to three cents

47. Any municipality, or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates than three cents in the dollar upon the value of the rateable property therein.

By-laws ex-
empting from
municipal
taxation

48. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the railway and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

49. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Grant of land
from municipi-
palities.

50. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of
municipality
debentures

51. The said trustee shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Western Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable

Trusts of
debentures.

in any court of competent jurisdiction by any person who may sue therefor.

Fees of
trustees.

52. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Collecting
back charges
on goods.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges

Application of
Rev. Stat.
c. 207.

54. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every act in amendment thereof, shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act", when used herein, shall be understood to include the clauses of the said *Railway Act* and of every act in amendment thereof so incorporated with this Act.

Time for
commence-
ment and
completion.

55. The railway hereby authorized shall be commenced within three years and finished and put in operation within seven years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Limitation of
transmission
of electrical
energy.

56. Notwithstanding anything contained in this Act, or in any statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

SCHEDULE A.

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Canada Western Railway Company ; the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Canada Western Railway Company, their successors and assigns forever (here insert any other clauses, covenasnt and conditions required), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred and

Signed sealed and delivered, in the presence of,

[L.S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Canada Western Railway Company's Office.

No. -

A.D. 190

Engineer's Department.

Certificates to be attached to cheques drawn on The Canada Western Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, chief engineer of The Canada Western Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of 19 between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled).

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate The Canada Western
Railway Company.

First Reading, 11th February, 1902.

(Reprinted as amended by Railway
Committee.)

MR. CONNIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm an Agreement between the Corporation of the County of Bruce, the Executors of William John Moore, deceased, the Children's Aid Society of the County of Bruce, and the County of Bruce General Hospital Trust at Walkerton.

WHEREAS the corporation of the County of Bruce, Preamble.
Thomas Dixon and William MacNairn Shaw, the executors of the last will and testament of William John Moore, deceased, the Children's Aid Society of the County of Bruce,
5 and the County of Bruce General Hospital Trust at Walkerton have, by their petition, represented that William John Moore died on or about the thirteenth day of March, in the year of our Lord 1899, at the Township of Brant, having first made and published his last will and testament, probate of
10 which was granted to the said Thomas Dixon and William MacNairn Shaw whereby, after bequeathing certain specific legacies, he directed that the trustees should invest the balance of his estate, and out of the proceeds thereof pay his widow,
15 Isabella Moore, an annuity of \$500 a year during her natural life, and upon the death of the said widow that the trustees should divide the remainder of his estate, paying one-half thereof to aid in the erection and endowment of a hospital at the Town of Walkerton for the sick and injured of the County of Bruce, provided sufficient funds in the opinion of the said
20 trustees were otherwise raised, with the addition thereto of the said moneys so bequeathed, to purchase and erect a suitable building and furniture for said hospital, and to pay the other half of such estate to aid the Children's Aid Society of the County of Bruce, and that should the trustees find that all
25 the residue of the said estate was not required to remain invested to provide said annuity, that in their discretion they might divide the surplus not so required, and use one-half thereof in aid of the said the Children's Aid Society of the County of Bruce and the other half in aid of the establishment of such hospital, and that the estate of the said deceased,
30 after paying all debts and liabilities and the legacies bequeathed by said will other than said annuity, amounts to the sum of \$15,500; and the County of Bruce General Hospital Trust at Walkerton has been incorporated under the provisions of the Act respecting benevolent, provident and other
35 Societies, and certain sums have been subscribed by divers

persons and corporations to aid in the erection of the said hospital; and the Council of the Corporation of the County of Bruce has agreed, provided power is granted to it, to aid the said hospital by paying to the trustees of the said will the sum of \$250 per annum during the lifetime of the said widow, and the trustees of said will have agreed, upon receiving said agreement, and upon being empowered by this Act so to do, to pay to the County of Bruce General Hospital Trust at Walkerton the sum of \$7,750, and all interest accrued thereon, for the purposes of a public hospital on the terms set forth in the said agreement, and an agreement setting forth the above facts has been entered into between all the said petitioners, and that it is deemed probable that the said the Children's Aid Society of the County of Bruce may decide, in lieu of expending part of the moneys which it will receive under the provisions of said will in the erection of a house or refuge for poor children, to enter into an arrangement with the said the County of Bruce General Hospital Trust at Walkerton to provide rooms for the reception of sick and injured children requiring nursing and treatment, and has prayed that the said agreement be ratified, that the said County of Bruce be empowered to contract to pay said annuity during the lifetime of the said Isabella Moore, that the said trustees be empowered, on receiving such contract, to pay over the said sum to the County of Bruce General Hospital Trust at Walkerton, and that the Children's Aid Society of the County of Bruce be authorized to grant aid to the said the County of Bruce Hospital Trust at Walkerton if it deems it proper so to do; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between County and Children's Aid Society and Hospital Trust confirmed.

1. The agreement entered into between the Corporation of the County of Bruce, Thomas Dixon William McNairn Shaw, the Children's Aid Society of the County of Bruce, and the County of Bruce General Hospital Trust at Walkerton, dated the 31st day of January, 1902, and set forth as Schedule A to this Act, is ratified and confirmed and declared to be binding upon the parties thereto, their successors and assigns.

Executors of W. J. Moore authorized to pay one-half residue to hospital.

2. The said Thomas Dixon and William McNairn Shaw, the executors of the will of the said William John Moore, deceased, or such person or persons as may for the time being be executor or executors of, or trustee or trustees under the said will, shall have power to pay over to the County of Bruce General Hospital Trust at Walkerton, one-half of the residuary estate of the said William John Moore in their hands and accrued interest thereon, as set forth in the said agreement.

Children's Aid Society may

3. The Children's Aid Society of the County of Bruce may

grant and pay to the said the County of Bruce General Hospital Trust at Walkerton out of the moneys it is entitled to receive under the said will, such sums as it may deem proper to grant to the said the County of Bruce General Hospital Trust at Walkerton in aid of a hospital at Walkerton on such terms and conditions as may be agreed upon between the said the Children's Aid Society of the County of Bruce and the said the County of Bruce General Hospital Trust at Walkerton.

pay over
moneys to
Hospital
Trust.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to confirm an Agreement between the Corporation of the County of Bruce, the Executors of William John Moore, deceased, the Children's Aid Society of the County of Bruce, and the County of Bruce General Hospital at Walkerton.

First Reading,	1902.
----------------	-------

(Private Bill.)

MR. TRUAX.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Estate of William John
Moore, deceased.

WHEREAS the Corporation of the County of Bruce; Preamble.
Thomas Dixon and William MacNairn Shaw, the executors of the last will and testament of William John Moore, deceased, The Children's Aid Society of the County of Bruce, and The County of Bruce General Hospital Trust at Walkerton have, by their petition, represented that William John Moore died on or about the 13th day of March, 1899, at the Township of Brant, having first made and published his last will and testament, probate of which was granted to the said Thomas Dixon and William MacNairn Shaw, whereby, after bequeathing certain specific legacies, he directed that the trustees should invest the balance of his estate, and out of the proceeds thereof pay his widow, Isabella Moore, an annuity of \$500 a year during her natural life, and upon the death of the said widow that the trustees should divide the remainder of his estate, paying one-half thereof to aid in the erection and endowment of a hospital at the Town of Walkerton for the sick and injured of the County of Bruce, provided sufficient funds in the opinion of the said trustees were otherwise raised, with the addition thereto of the said moneys so bequeathed, to purchase and erect a suitable building and furniture for the said hospital, and to pay the other half of such estate to aid The Children's Aid Society of the County of Bruce, and that should the trustees find that all the residue of the said estate was not required to remain invested to provide said annuity, that in their discretion they might divide the surplus not so required, and use one-half thereof in aid of The Children's Aid Society of the County of Bruce and the other half in aid of the establishment of such hospital; and *whereas* the estate of the said deceased, after paying all debts and liabilities and the legacies bequeathed by said will other than the said annuity, amounts to the sum of \$15,500; and *whereas* The County of Bruce General Hospital Trust at Walkerton has been incorporated under the provisions of *The Act respecting Benevolent, Provident and other Societies*, and certain sums have been subscribed by divers persons and corporations to aid in the erection of the said hospital; and *whereas* the *Municipal* Council of the County of Bruce has agreed, provided power is granted to it, to aid the said hospital by paying to the trustees of the said will the sum

of \$250 per annum during the lifetime of the said widow, and the trustees of said will have agreed, upon receiving *the* said agreement, and upon being empowered by this Act so to do, to pay to The County of Bruce General Hospital Trust at Walkerton the sum of \$7,750, and all interest accrued thereon, for the purposes of a public hospital on the terms set forth in the said agreement, and *whereas the said petition further sets forth that it is deemed probable that* The Children's Aid Society of the County of Bruce may decide, in lieu of expending part of the moneys which it will receive under the provisions of *the* said will in the erection of a house of refuge for poor children, to enter into an arrangement with The County of Bruce General Hospital Trust at Walkerton to provide rooms for the reception of sick and injured children requiring nursing and treatment, and has prayed that the said agreement be ratified, that the *Corporation of the* County of Bruce be empowered to contract to pay *the* said annuity during the lifetime of the said Isabella Moore, that the said trustees be empowered, on receiving such contract, to pay over the said sum to The County of Bruce General Hospital Trust at Walkerton, and that The Children's Aid Society of the County of Bruce be authorized to grant aid to The County of Bruce Hospital Trust at Walkerton if it deems it proper so to do; ~~and~~ and whereas the said widow has approved of the said agreement and consents to the legislation hereinafter enacted in so far as her rights are thereby affected; ~~and~~ and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between County and Children's Aid Society and Hospital Trust confirmed.

1. The agreement entered into between the Corporation of the County of Bruce, Thomas Dixon William McNairn Shaw. The Children's Aid Society of the County of Bruce, and The County of Bruce General Hospital Trust at Walkerton, dated the 31st day of January, 1902, and set forth as Schedule A to this Act, is ratified and confirmed and declared to be binding upon the parties thereto, their successors and assigns.

Executors of W. J. Moore authorized to pay one-half residue to hospital.

2. The said Thomas Dixon and William McNairn Shaw, the executors of the will of the said William John Moore, deceased, or such person or persons as may for the time being be executor or executors of or trustee or trustees under the said will, shall have power to pay over to The County of Bruce General Hospital Trust at Walkerton, one half of the residuary estate of the said William John Moore in their hands and accrued interest thereon, as set forth in the said agreement.

Children's Aid Society may pay over moneys to Hospital Trust.

3. The Children's Aid Society of the County of Bruce may grant and pay to The County of Bruce General Hospital Trust at Walkerton out of the moneys it is entitled to receive under

the said will, such sums as it may deem proper to grant to The County of Bruce General Hospital Trust at Walkerton in aid of a hospital at Walkerton on such terms and conditions as may be agreed upon between The Children's Aid Society of the County of Bruce and the said The County of Bruce General Hospital Trust at Walkerton.

SCHEDULE A.

This Agreement, made the thirty-first day of January in the year of our Lord one thousand nine hundred and two, between the Corporation of the County of Bruce in the Province of Ontario, of the first part, Thomas Dixon and William Macnairn Shaw, both of the Town of Walkerton in the County of Bruce and Province aforesaid, Barristers at Law, Executors and Trustees under the last Will and Testament of William John Moore, late of the Township of Brant in the said County of Bruce and Province aforesaid, yeoman, deceased, of the second part, The Children's Aid Society of the County of Bruce in the said Province, of the third part, and the County of Bruce General Hospital Trust at Walkerton, of the fourth part.

Whereas the said late William John Moore died on or about the thirteenth day of March in the year of our Lord 1899, at the said Township of Brant in the said County, having first made and published his last Will and Testament bearing date the 24th day of February, A. D. 1899, Probate of which Will was granted by the Surrogate Court of the said County of Bruce to the said parties of the second part on the 15th day of May, A. D. 1899.

And whereas by said Will the said William John Moore devised and bequeathed all his real and personal estate, with the exception of his household furniture, beds, bedding, books, pictures, cooking utensils, etc., to the said parties of the second part in trust to sell all his real estate and all his goods, chattels, and effects (with the exception aforesaid), and realize the same into money and collect all outstanding securities, and apply the proceeds thereof in the manner provided in said Will.

And whereas that after payment of certain legacies the said Will directed the said parties of the second part to invest by mortgage on farm security or in any other way said parties of the second part might see fit at the best rate of interest they could obtain the balance of the moneys so realized from his said estate and out of the interest realized therefrom and out of the principal if insufficient moneys obtained from interest to pay to said Isabella Moore an annuity of \$500 a year over and above the legacy to her of \$2,000, provided however, that said Isabella Moore should not be entitled to anticipate said annuity or receive the value of said annuity in lieu thereof.

And whereas said Will further provided that after the payment of legacies set forth in said Will and said annuity to said Isabella Moore and after her decease the balance of his estate after paying all legal and proper expenses of carrying out the provision of said Will and the care and management of his estate by said parties of the second part should be applied as follows, that is to say :—That one half of said balance should be used and employed by said parties of the second part in aid of the erection and endowment of a hospital at the Town of Walkerton for the sick and injured of the County of Bruce, provided sufficient funds, in the opinion of said parties of the second part are otherwise raised with the addition thereto of the moneys devised under said Will, to purchase land (if required to be purchased) and to erect thereon a suitable building and furniture for said

hospital and the other half to be used by said parties of the second part to aid The Children's Aid Society of the County of Bruce, established for the maintenance, clothing and education of poor and neglected children, said parties of the second part to have a discretion as to the exact way said moneys may be used for said purposes and whether all or any of it should be used for buildings, land or furniture.

And whereas also it was provided by such Will that should said parties of the second part find that in their opinion all of the said balance of said estate should not be required to remain invested to provide out of the interest arising therefrom, the said annuity to said Isabella Moore, said parties of the second part were by said Will granted the discretion to divide in equal parts so soon as they should see fit such sum not so required and use the one-half thereof in aid of the said The Children's Aid Society of the County of Bruce and the other half in aid of the establishment of such hospital provided that within five years from the decease of the said late William John Moore said parties of the second part are of the opinion that sufficient funds for the erection and establishment of said hospital have been otherwise provided to justify in applying said half of said surplus funds in that way but if not satisfied that sufficient funds have been otherwise raised, then at the end of said five years, they might apply such half intended for said hospital in aid of The Children's Aid Society of the County of Bruce.

And whereas said Will provided that the provision contained therein on behalf of the wife of the said late William John Moore should be in lieu of all dower or other rights or claims on his estate.

And whereas the said Isabella Moore elected to accept the provision made for her in said Will in lieu of dower.

And whereas after the payment of all the legacies provided in said Will other than the annuity of \$500 a year to the said Isabella Moore during her lifetime there remains in cash and securities in the hands of the said parties of the second part the sum of \$15,550 or thereabouts.

And whereas private subscriptions have been obtained to purchase land for said proposed hospital to the amount of \$1,500, and the Corporation of the Town of Walkerton have agreed to place before the electors of said town to be approved by them, a by law to raise the sum of \$2,000, by the issue of debentures and hand the proceeds over to the said parties of the fourth part to aid in the purchase of land and the erection and equipment of the hospital at said Town of Walkerton referred to in said Will.

And whereas the corporation of the County of Bruce has passed a by-law by which said corporation has agreed to provide each year during the period of the life of the said Isabella Moore the sum of \$250 and pay same over to the said parties of the second part in order to relieve one-half of the moneys required to be invested to provide said annuity for said Isabella Moore and enable said one-half of principal to be handed over by said parties of the second part to said parties of the fourth part.

And whereas said parties of the third part have by executing this Agreement consented to the appropriation of said portion of said principal to be applied in the erection and equipment of said proposed hospital provided other moneys as hereinafter mentioned are raised which with said sum so devised are sufficient to erect and equip said hospital.

It is hereby agreed by and between the parties aforesaid and their respective successors, administrators and assigns :—

1. That the parties of the fourth part shall procure the council of the corporation of the said Town of Walkerton at as early a day as possible to submit a by-law to the electors of the Town of Walkerton to raise the sum of \$2,000 by the issue of debentures and to aid in the erection and equipment of a County of Bruce Hospital at said Town of Walkerton

and if ratified to issue debentures of said town for said sum and to pay the proceeds into the agency of the Canadian Bank of Commerce at said Town of Walkerton to the credit of the said parties of the fourth part.

2. That the private subscriptions subscribed to aid in the purchase of the land and the erection and equipment of same shall with as little delay as possible be collected by the said parties of the fourth part and also paid into said agency of said bank to the credit of the said parties of the fourth part for the purposes aforesaid.

3. The parties of the first part hereby agree with the said other parties to this agreement to pay out of the general funds of the County of Bruce the sum of \$250 each year during the natural lifetime of the said Isabella Moore, to the said parties of the second part, or their successors, as executors and trustees of the said late William John Moore to aid them in paying the annuity of the said Isabella Moore, the first payment to be made on the thirteenth day of March, A.D. 1903, provided that the sum of \$6,000 shall then have been actually expended in the erection and equipment of said hospital, and the remaining payments on the thirteenth day of March in each succeeding year thereafter during the lifetime of the said Isabella Moore.

4. The said parties of the first and fourth parts will also apply at once to the local Legislature of the Province of Ontario to have this agreement ratified and confirmed so as to legally bind said parties of the first part for the said annual payments, the costs and expense of obtaining said confirmation to be borne equally between the said parties of the first and fourth parts.

5. That so soon as said subscriptions are paid into said bank and the sum of \$2,000, if said by-law is ratified, paid by said corporation of the Town of Walkerton to the credit of the said parties of the fourth part or debentures to that amount delivered to them and this agreement ratified by an Act of the Legislature of the Province of Ontario, the said parties of the second part and their successors will realize into money the one-half of the balance of the estate of said late William John Moore, and less expenses connected with the further administration of his estate, pay same into said bank to the credit of the said parties of the fourth part.

6. The said parties of the third part agree with the said parties of the second part and their successors as such executors and trustees as aforesaid to the application of said one-half of the said fund in aid of the erection and equipment of said hospital.

7. And the said parties of the fourth part in consideration of said several payments agree with the said parties of the second part and their successors as such executors and trustees and said other parties hereto jointly and severally, that they will purchase land for said hospital, erect and equip same in a proper manner for the use of the County of Bruce, and will maintain in proper order for the reception and care of patients for a period of at least twenty-five years or during the lifetime of said Isabella Moore, whichever period shall first expire. That such hospital shall be known as "The Moore Hospital," and that the words "The Moore Hospital" be inscribed in stone on some part of the front of said hospital.

8. It is further mutually agreed by and between all said parties hereto that the Act of the Legislature ratifying and confirming this agreement shall provide that said parties of the second part by complying with the terms of this agreement shall not be judged guilty of any nonapplication or misapplication of the moneys of said estate.

And it is further agreed by and between the parties thereto that until this agreement is ratified and confirmed by the Legislative Assembly of Ontario it shall not be binding on any of the parties hereto.

In Witness whereof the parties of the first, third and fourth parts hereto, to be signed by the warden and clerk of the parties of the first part and the president and secretary of the parties of the third part and their official seals attached hereto and by the hands and seals of the said parties of the second part.

Signed, Sealed and Delivered }
in the presence of }

(Sd.) JOHN A. MCKAY.

(Sd.) J. J. DONLEY,

Warden Co. Bruce.

{ Seal
County
of Bruce. }

(Sd.) W. S. GOULD,

Clerk Co. Bruce.

(Sd.) THOS. DIXON,

{ Seal. }

(Sd.) WM. SHAW.

{ Seal. }

(Sd.) A. SHAW,

Pres. Ch. Aid Society,
Co. Bruce.

{ Seal
Child-
ren's Aid
Society. }

(Sd.) J. MORGAN,

Sec. Treas. Ch. Aid
Society Co. Bruce.

(Sd.) A. R. KLEIN,

Pres. Hospital Trust.

(Sd.) D. MACGILLVEAY,

Sec'y Hospital Trust.

{ Seal
Hospital
Trust. }

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Estate of William
John Moore, deceased.

First Reading, 18th February, 1902.

(Reprinted as amended by Private Bills
Committee.)

Mr. TRUAX.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act confirming a certain By-law of the Township of Cornwall.

WHEREAS the corporation of the Township of Cornwall Preamble.
 by their petition have prayed that an Act may be
 passed confirming a certain by-law of the Corporation of the
 Township of Cornwall and a certain Agreement made between
 the Corporation of the Township of Cornwall and Michael P.
 5 Davis, which are fully set forth in Schedules A and B
 respectively to this Act; the said by-law and agreement fix-
 ing the proportion of the assessment upon the property of
 Michael P. Davis, situated in the Township of Cornwall, upon
 10 which the Municipal Corporation are to levy taxes for muni-
 cipal and school purposes for a period of ten years from the
 first day of January, A. D. 1902; and whereas the said by-law
 was unanimously passed by the Municipal Council of the
 Township of Cornwall, and the said agreement was entered in-
 15 to upon certain conditions which the said Township of Corn-
 wall considered favorable; and whereas the said Michael P.
 Davis has by his petition prayed that an Act may be passed
 to confirm the said by-law and agreement; and whereas it is
 expedient to grant the prayer of the said petition :
 20 Therefore His Majesty by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :

1. The said by-law of the Municipal Corporation of the
 Township of Cornwall, Number 678, of the year 1902, together
 with the said Agreement referred to in the said by-law and
 25 Agreement being set forth in full in Schedules A and B
 to this Act, are hereby confirmed, and declared legal, valid and
 binding in the same manner and to the same extent as if set out
 at length and the provisions thereof enacted in this Act, any-
 30 thing contained in The Assessment Act or any other Act to the
 contrary notwithstanding.

By-law No.
 678 and agree-
 ment with M.
 P. Davis
 confirmed.

SCHEDULE A.

By-LAW No. 678 OF THE CORPORATION OF THE TOWNSHIP OF CORNWALL.

By-law No. 678 of the Corporation of the Township of Cornwall, in the
 County of Stormont, of the year 1902, for fixing the assessment upon

the property of M. P. Davis, situated in the Township of Cornwall, upon which the said M. P. Davis is required to pay municipal and school taxes for a period of ten years from the 1st day of January, A.D. 1902.

Whereas, the Corporation of the Township of Cornwall has entered into an agreement bearing even date herewith, with Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, to fix the assessment of all the real estate, buildings, machinery, poles, wires, appliances and property immediately used or connected with his plant, situated at Sheik's Island, in the Township of Cornwall, at 33½ per cent. for a period of ten years from the first day of January, A.D. 1902, upon the terms, provisos and conditions in said agreement contained ;

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said Agreement and attach the corporate seal thereto ;

Be it therefore enacted by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted ;

That the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with the said Michael P. Davis, bearing date the 8th day of February, A.D. 1902 ;

And it is therefore enacted that the said agreement with the said M. P. Davis shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this 8th day of February, A.D. 1902.

(Sgd.)	R. A. SHEARER,	[Seal]
	Reeve of the Township of Cornwall.	
(Sgd.)	JOHN MULLIN,	
	Township Clerk, Township of Cornwall.	

SCHEDULE B.

Agreement made this 8th day of February, A.D. 1902, between the Corporation of the Township of Cornwall, in the County of Stormont and Province of Ontario, hereinafter called the corporation of the first part, and Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, hereinafter called the party of the second part.

Whereas, Michael P. Davis is the lessee of the Dominion Government of a certain water power at or near the foot of Sheik's Island, in the Township of Cornwall, in the County of Stormont, and has lately developed said power and erected a power house.

And whereas the said Michael P. Davis has, up to the present time, developed about fifteen hundred horse power and is considering the advisability of developing some three thousand horse power, said extra power to be used for the purpose of supplying manufacturing and industrial establishments.

And whereas the said Michael P. Davis is endeavoring to have manufacturing industries locate at or near Sheik's Island, in the said Township of Cornwall, and the location of said industries would be of great advantage to the Township.

And whereas a great deal of the money that has been expended by the said Michael P. Davis has been expended in the development of the

water power, which said power, under the terms of his lease with the Dominion Government, remains the property of the Dominion Government.

And whereas, the only portion of his said plant which is assessable, is the building and machinery connected therewith, and the poles, wires, and other appliances used in connection with his furnishing light and operating the Cornwall Canal.

And whereas, the said Michael P. Davis has applied to the Municipal Corporation of the Township of Cornwall, for exemption from municipal and school taxes upon his plant for a period of ten years.

And whereas, the Municipal Corporation of the Township of Cornwall do not feel justified in granting a complete exemption from municipal and school taxes for a period of ten years, but have considered that it would be in the interests of the Municipality to commute the taxes to be levied upon the property of the said Michael P. Davis.

Now this agreement witnesseth, that the Municipal Corporation of the Township of Cornwall hereby agree to fix the assessment of all the real estate, buildings, machinery and property immediately used or connected therewith, or which may be used or connected therewith in the development of further power; and which belong to the said Michael P. Davis, and which are situated in the Township of Cornwall, at 33½ per cent. of \$90 000.00 for the period of ten years from the first day of January, AD. 1902.

And the said Municipal Corporation hereby further exempt the said Michael P. Davis from the performance or payment of statute labor for a period of ten years from the first day of January, 1902.

And the said Michael P. Davis covenants and agrees that just so soon as possible, he will have located in the Township of Cornwall, at or near his power house, industrial establishments which will be operated by power furnished from his power house.

The said Michael P. Davis further covenants and agrees, as power is required by manufacturing or industrial establishments, that he will equip his plant so as to furnish power up to the maximum amount that he would be able to develop from the power now completed.

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect, until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring the validity of the same; together with a by-law of the Municipal Corporation, authorizing the Reeve and Clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the said Michael P. Davis has hereunto subscribed his hand and affixed his seal, this eight day of February, A.D. 1902.

(Sgd) R. A. SHEARER,
Reeve of Township of Cornwall.

(Sgd.) JOHN MULLIN,
Tp. Clerk, Tp. Cornwall.

Witness :
(Sgd.) J. A. C. CAMERON,
Barrister, Cornwall, Ont

{ Seal. }

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act confirming a certain By-Law of
the Township of Cornwall

First Reading,	1902.
----------------	-------

(Private Bill).

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act confirming certain By-laws of the Township of Cornwall.

WHEREAS the *Municipal Corporation* of the Township of Cornwall^{Preamble.} and Michael P. Davis^{by} by their petitions have prayed that an Act may be passed confirming a certain by-law,^{being} By-law No. 678 of the said township,^{and} and a certain Agreement made between the Corporation of the Township of Cornwall and Michael P. Davis, which are fully set forth as Schedules A and B respectively to this Act; and whereas the said municipal corporation and The Toronto Paper Compay, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law^{being} By-law No. 677 of the said township,^{and} and a certain agreement made between the said municipal corporation and The Toronto Paper Company, Limited, which are fully set forth in Schedules C and D respectively to this Act; and whereas the said by-laws were unanimously passed by the Municipal Council of the Township of Cornwall, and the said agreements were entered into upon certain conditions which the said Township of Cornwall considers favorable; and whereas it is expedient to grant the prayers of the said petitions;^{and}

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The said by-law No. 678 of the Municipal Corporation of the Township of Cornwall, together with the agreement therein referred to,^{the} the said by-law and agreement being respectively^{set} set forth in full in Schedules A and B to this Act, are hereby confirmed, and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

By-law No.
678 and agree-
ment with M.
P. Davis
confirmed.

2. The said by-law No. 677 of the Municipal Corporation of Township of Cornwall, together with the agreement therein referred to, the said by-law and agreement being respectively set forth in full in Schedules C and D to this Act, are hereby confirmed and declared legal, valid and binding, in

By-law
No. 677 re To-
ronto Paper
Company
confirmed.

the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, anything contained in *The Assessment Act* or any other Act to the contrary notwithstanding.

SCHEDULE A.

By-law No. 678 of the Corporation of the Township of Cornwall, in the County of Stormont, of the year 1902, for fixing the assessment upon the property of M. P. Davis, situated in the Township of Cornwall, upon which the said M. P. Davis is required to pay municipal and school taxes for a period of ten years from the 1st day of January, A.D. 1902.

Whereas, the Corporation of the Township of Cornwall has entered into an agreement bearing even date herewith, with Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, to fix the assessment of all the real estate, buildings, machinery, poles, wires, appliances and property immediately used or connected with his plant, situated at Sheik's Island, in the Township of Cornwall, at 33½ per cent. for a period of ten years from the first day of January, A.D. 1902, upon the terms, provisoes and conditions in said agreement contained;

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said Agreement and attach the corporate seal thereto;

Be it therefore enacted by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted;

That the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with the said M. P. Davis, bearing date the 8th day of February, A.D. 1902;

And it is therefore enacted that the said agreement with the said M. P. Davis shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this 8th day of February, A.D. 1902.

(Sgd.) R. A. SHEARER, [Seal]
Reeve of Township of Cornwall.

(Sgd.) JOHN MULLIN,
Tp. Clerk, Tp. of Cornwall.

SCHEDULE B.

Agreement made this 8th day of February, A.D. 1902, between the Corporation of the Township of Cornwall, in the County of Stormont and Province of Ontario, hereinafter called the corporation of the first part, and Michael P. Davis, of the City of Ottawa, in the County of Carleton, contractor, hereinafter called the party of the second part.

Whereas, Michael P. Davis is the lessee of the Dominion Government of a certain water power at or near the foot of Sheik's Island, in the Township of Cornwall, in the County of Stormont, and has lately developed said power and erected a power house.

And whereas the said Michael P. Davis has, up to the present time,

developed about fifteen hundred horse power and is considering the advisability of developing some three thousand horse power, said extra power to be used for the purpose of supplying manufacturing and industrial establishments.

And whereas the said M. P. Davis is endeavoring to have manufacturing industries locate at or near Sheik's Island, in the said Township of Cornwall, and the location of said industries would be of great advantage to the Township.

And whereas a great deal of the money that has been expended by the said M. P. Davis has been expended in the development of the water power, which said power, under the terms of his lease with the Dominion Government, remains the property of the Dominion Government.

And whereas, the only portion of his said plant which is assessable, is the building and machinery connected therewith, and the poles, wires, and other appliances used in connection with his furnishing light and operating the Cornwall Canal.

And whereas, the said M. P. Davis has applied to the Municipal Corporation of the Township of Cornwall, for exemption from municipal and school taxes upon his plant for a period of ten years.

And whereas, the Municipal Corporation of the Township of Cornwall, do not feel justified in granting a complete exemption from municipal and school taxes for a period of ten years, but have considered that it would be in the interests of the Municipality to commute the taxes to be levied upon the property of the said M. P. Davis.

Now this agreement witnesseth, that the Municipal Corporation of the Township of Cornwall hereby agree to fix the assessment of all the real estate, buildings, machinery and property immediately used or connected therewith, or which may be used or connected therewith in the development of further power; and which belong to the said M. P. Davis, and which are situated in the Township of Cornwall, at 33½ per cent. of \$90 000.00 for the period of ten years from the first day of January, A.D. 1902.

And the said Municipal Corporation hereby further exempt the said M. P. Davis from the performance or payment of statute labor for a period of ten years from the first day of January, 1902.

And the said M. P. Davis covenants and agrees that just so soon as possible, he will have located in the Township of Cornwall, at or near his power house, industrial establishments which will be operated by power furnished from his power house.

The said M. P. Davis further covenants and agrees, as power is required by manufacturing or industrial establishments, that he will equip his plant so as to furnish power up to the maximum amount that he would be able to develop from the power now completed.

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect, until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same; together with a by-law of the Municipal Corporation, authorizing the Reeve and Clerk of the Township of Cornwall to execute this agreement.

In witness whereof, the Reeve and Clerk of the Corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the said Michael P. Davis has hereunto subscribed his hand and affixed his seal, this eight day of February, A.D. 1902.


(Sgd) R. A. SHEARER,
Reeve of Township of Cornwall.


(Sgd.) JOHN MULLIN,
Tp. Clerk, Tp. Cornwall.

Witness :

(Sgd.) - J. A. C. CAMERON,
Barrister, Cornwall, Ont

{ Seal. }

 (Sgd.) R. A. PRINGLE.

(Sgd.) M. P. DAVIS.  [Seal]

SCHEDULE C.

By-Law No. 677 of the Corporation of the Township of Cornwall, in the County of Stormont, of the year 1902, for exempting the new portions of The Toronto Paper Company's mills in the Township of Cornwall, and for fixing the proportion of the assessment upon the old portions of The Toronto Paper Company's mills in the Township of Cornwall, upon which said company are required to pay municipal and school taxes for a period of ten years from the 1st day of January A.D. 1902.

Whereas, the Corporation of the Township of Cornwall have entered into an agreement, bearing even date herewith, with The Toronto Paper Company, Limited, to exempt the newer portions of the said Toronto Paper Company's mills in the Township of Cornwall, and to fix the assessment of all the other real estate buildings, machinery and other property immediately used or connected therewith, belonging to the company's mills, in the Township of Cornwall at $33\frac{1}{3}$ per cent. of \$210,000.00 for a period of ten years from the 1st day of January A.D. 1902, upon the terms, provisions and conditions in said agreement contained.

And whereas, it is necessary to authorize the reeve and clerk of the Corporation of the Township of Cornwall to execute the said agreement and attach the corporate seal thereto.

Be it therefore enacted, by a by-law of the Corporation of the Township of Cornwall, and it is hereby enacted, that the reeve and clerk be and they are hereby authorized and empowered to sign and seal the corporate seal of the Township of Cornwall to said agreement with The Toronto Paper Company, Limited, bearing date the first day of February A.D. 1902.

And it is therefore enacted that the said agreement with The Toronto Paper Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario, ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this first day of February, in the Year of our Lord, one thousand nine hundred and two.

(Sgd.) ROBT. A. SHEARER,
Reeve.

(Sgd.) JOHN MULLIN,
Tp. Clerk.

[Seal]

SCHEDULE D.

This Agreement made between the Corporation of the Township of Cornwall in the County of Stormont, and Province of Ontario, hereinafter called the Corporation of the First Part, and The Toronto Paper Company, Limited, a body corporate and politic, hereinafter called the Company of the Second Part.

Whereas, The Toronto Paper Company, Limited, has for a number of years operated a paper mill and pulp mill in the Township of Cornwall, near the Town of Cornwall.

And whereas, owing to improvements which have of late years been made in paper machinery and in the process of making paper, the com-

pany found it was in their interests to enlarge the capacity of their said mill.

And whereas, the period of exemption has expired upon the older portions of The Toronto Paper Company's mills.

And whereas, The Toronto Paper Company, Limited, are about making additions to their buildings and machinery connected with their manufacturing property, in the Township of Cornwall, known as the Toronto Paper Company, to the amount of \$90,000.

And whereas, in consideration of the proposed additions to the said company's said property and the expenditure of the said sum of money, and the employment of a number of hands in the company's mills in the Township of Cornwall, the corporation deem it advisable to enter into a new contract with the company, for the purpose of exempting the newer portions of said mill from taxation for a period of ten years, and fixing the amount of assessment on which taxes are to be levied for municipal and school purposes on all the rest of the company's real estate, buildings machinery and other property immediately used or connected therewith, excepting and excluding, however, all boarding houses, dwelling houses or residences of managers or other employees of the company in the Township of Cornwall.

This agreement witnesseth, that the corporation hereby agree to exempt the new portions of said company's property for the period of ten years, from the 1st day of January, A.D. 1902, from municipal taxes and statute labor; and further exempts the new portions of said mill from school taxes upon conditions that the said Toronto Paper Company give to the corporation all the coal cinders not required for their own use, to be used by the township for their roads.

And the corporation further agree to fix the assessment of all other real estate, buildings, machinery and property immediately used or connected therewith, belonging to the company's mills or factories in the Township of Cornwall at $33\frac{1}{3}$ per cent. of \$210,000, for the period of ten years from the 1st day of January A.D. 1902, and municipal and school taxes shall only be collected upon $33\frac{1}{3}$ of the said value fixed at \$210,000 for a period of ten years from the 1st day of January A.D. 1902, and the said property shall be exempt from statute labor for a period of ten years.

And the company agree with the corporation that in consideration of the commutation of the assessment and taxes as aforesaid, that they will fully equip with modern machinery the new addition to their factory, which is now in course of erection, and will expend not less than \$90,000 on same.

And the company further agree with the corporation that they will employ not less than forty hands uniformly and continuously and from day to day, while running for the said term of said years in their factory in the Township of Cornwall.

The company further agree with the corporation to run and operate all and each their factories in the Township of Cornwall, to the full capacity of all and every department thereof, during the said term of ten years, or not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of 26 days of 10 hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

And the company further agree with the corporation that in the event of the company making default in the running of their mills, in accordance with the terms aforesaid, at any time during the said term of ten years when and so often as such default shall happen, then all the real estate, buildings, machinery and other property of the company, in the Township of Cornwall, shall be assessed according to law and be liable for taxes for the year in which such default happens, as if this agreement had not been entered into, and no Act of the Provincial Legislature had been passed ratifying and validating the same.

And it is further agreed between the parties hereto, that this agreement shall not come into operation or take effect until an Act is passed by the legislature of the Province of Ontario, ratifying, confirming and declaring the validity of same, together with a by-law of the Municipal corporation authorizing the reeve and clerk of the Township of Cornwall to execute this agreement.

And it is further agreed that wherever the word "company" is used in this agreement, the same shall be taken and construed to mean The Toronto Paper Company, their successors, assigns and transferees.

In witness whereof, the reeve and clerk of the corporation of the Township of Cornwall have hereunto subscribed their hands and affixed the corporate seal and the president of The Toronto Paper Company Limited, has hereunto subscribed his hand and affixed the company's seal this 1st day of February A. D. 1902.

(Signed) L. ROBT. A. SHEARER

Reeve.

(Signed) JOHN MULLIN, Tp.

Clerk

[Seal]



(Signed)

TORONTO PAPER COMPANY, LIMITED.

JOHN R. BARBER, Pres.

EDW. TROUT, Sec.



5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act confirming certain By-Laws of
the Township of Cornwall

First Reading, 25th February, 1902.

(Reprinted as amended by Private Bills
Committee.)

Mr. McLAUGHLIN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to change the name of the Town of Tilsonburg
to the Town of Tillsonburg.

WHEREAS the municipal corporation of the Town of Til- Preamble.
sonburg has by petition represented that on the 2nd
day of March, A. D. 1872, an Act was passed by the Legisla-
tive Assembly of the Province of Ontario constituting the Police
5 Village of Tilsonburg and adjacent territories a body corporate,
municipal and politic, under the name of the municipal corpora-
tion of the Town of Tilsonburg, and that it was intended that
the said town should be named after George Tillson, the original
founder of the said town, but by inadvertence or clerical error the
10 name of the town was spelled Tilsonburg instead of Tillsonburg,
and that the name as so spelled does not fully effectuate the
purpose of assigning the said name to the town so constituted,
and has further represented by said petition that E. D. Tillson,
a son of the said George Tillson, has been the most prominent
15 citizen of the said town from its incorporation until his death
on the thirty-first day of January, A. D. 1902, and has been
so closely identified with everything connected therewith and
has rendered to the place so many valuable and enduring
services through the years referred to that it is now strongly
20 desired that the error above mentioned should be corrected and
the name of Tillson properly incorporated in the name of the
town, and has also further represented by said petition that the
municipal council of the said town has passed a by-law ex-
pressly declaring that in the opinion of the said council the
25 name should be changed and desiring the Legislative Assembly
of the Province of Ontario to make such change in the name
as to fully carry out the wishes of the council and citizens of
the Town of Tilsonburg in that respect ;

Therefore His Majesty, by and with the advice and consent
30 of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. That the letter "l" shall be inserted in the name of the
said Town of Tilsonburg between the letters "l" and "s" in
such manner that the name Tillson shall be correctly incorpo-
35 ated therein, and that the name of the municipal corporation
of the Town of Tilsonburg as constituted by the said Act pass-

Name of
town changed
to "Tillson-
burg."

ed in the year A. D. 1872, known as Chapter 41, 35 Victoria, shall be and the same is hereby changed to the municipal corporation of the Town of Tillsonburg, and that the said municipal corporation shall be hereafter known and described as the municipal corporation of the Town of Tillsonburg.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to change the name of the Town of
Tilsonburg to the Town of Tillsonburg.

First Reading,	1902
----------------	------

(Private Bill.)

Mr. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to change the name of the Town of Tilsonburg
to the Town of Tillsonburg.

WHEREAS¹ by an Act passed in the 35th year of the reign Preamble.
of Her late Majesty Queen Victoria, chaptered 41,² the
Police Village of Tilsonburg and adjacent territories³ were
constituted⁴ a body corporate, municipal and politic, under the
name of the Municipal Corporation of the Town of Tilsonburg;
and *whereas* it was intended that the said town should be
named after George Tillson, the original founder of the said
town, but by inadvertence or clerical error the name of the town
was spelled Tilsonburg instead of Tillsonburg,⁵ and whereas
the municipal council of the said town has by petition⁶ repre-
sented that E. D. Tillson, a son of the said George Tillson, has
been the most prominent citizen of the said town from its
incorporation until his death on the 31st day of January, 1902,
and has been so closely identified with everything connected
therewith and has rendered to the place so many valuable and
enduring services through the years referred to that it is now
strongly desired that the error above mentioned should be cor-
rected and the name of Tillson properly incorporated in the
town; and *whereas* the municipal council of the said town has
passed a by-law declaring that in the opinion of the said
council the *said* name should be changed and⁷ by the said
petition has prayed that the name of the said town should
hereafter be Tillsonburg; and whereas there is no opposition
to the said petition; and whereas it is expedient to grant the
prayer of the said petition;⁸

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The name of the Municipal Corporation of the Town of
Tilsonburg shall be and the same is changed to Tillsonburg,
and the said municipal corporation shall be hereafter known
and described as the Municipal Corporation of the Town of
Tillsonburg.

Name of
town changed
to "Tillson-
burg."

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to change the name of the Town of
Tilisonburg to the Town of Tillsonburg.

First Reading, 18th February, 1902.

(Reprinted as amended by Private Bills
Committee.)

Mr. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 73.]

BILL.

[1902.

An Act respecting The Pacific and Atlantic Railway Company.

WHEREAS The Pacific and Atlantic Railway Company has petitioned for an Act to extend the time for the commencement and completion of its railway; and whereas it is expedient to grant the prayer of the said petition.

Preamble.

5 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods fixed therefor by the Act passed in the sixty-third year of Her late Majesty's reign, chaptered 120.

Time for commencement and completion extended.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Pacific and Atlantic
Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 73.]

BILL.

[1902.

An Act respecting The Pacific and Atlantic Railway Company.

¹²⁷
WHEREAS by an Act passed in the 63rd year of Her late Majesty's reign and chaptered 120 intituled *An Act respecting The Pacific and Atlantic Railway Company* the time for the commencement of the construction of the said railway was fixed at two years from the date of the passing of said Act; and whereas the line of railway of the company passes for the most part through sparsely settled and undeveloped portions of the Province; and whereas owing to difficulty and delays in locating the permanent line of said railway the said company has been unable to commence construction within the time limited in the said Act and has by its petition prayed that the time for the commencement and completion of the said railway be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of the said Act is hereby repealed.
2. The construction of the said railway shall be commenced within three years and completed within seven years from the date of the passing of this Act.

63 Vict.,
cap. 120, s. 10,
repealed.

Time for com-
mencement
and comple-
tion extended.

No. 73.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The Pacific and Atlantic
Railway Company.

First Reading, 18th February, 1902.

(Reprinted as amended by the Railway
Committee.)

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate the Huron and Bruce Railway Company.

WHEREAS Gideon Kastner, of the Town of Wiarton, in the County of Bruce, lumberman; J. Ernest Campbell, of the Township of Amabel, in the County of Bruce, druggist; William McGregor, of the Town of Southampton, in the County of Bruce, merchant; David Geddes, of the Town of Port Elgin, in the County of Bruce, merchant; Neil D. McDougall, of the Township of Bruce, in the County of Bruce, farmer; Joseph Barker, of the Town of Kincardine, in the County of Bruce, gentleman; and James Wilson, of the Town of Goderich, in the County of Huron, druggist; have by their petition, prayed for an act of incorporation under the name of "The Huron and Bruce Railway Company" for the purpose of constructing, equipping, maintaining and operating a railway between a point at or near the Town of Wiarton in the County of Bruce, and a point at or near the Town of Goderich in the County of Huron, and passing near or through the Towns of Kincardine and Southampton, and have further prayed that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition, Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker and James Wilson, and such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Huron and Bruce Railway Company" hereinafter called the Company. Incorporation.

2. The Company is hereby authorized and empowered to survey, lay out, construct, equip, complete and operate and maintain, a railway of the gauge of four feet, eight and one-half inches, to be operated by steam or electricity, with double or single iron or steel tracks, between a point at or near the Town of Wiarton, in the County of Bruce, and a point at or near the Town of Goderich, in the County of Huron, and passing near or through the Towns of Kincardine and Southampton ^{and to construct branch railways, none of which are} Location of line.

to exceed twelve miles in length, and to exercise all the powers, rights and privileges required therefor in as full and ample a manner as for the railway; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporations or road company as to terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.²¹

Provisional
directors.

3. The said Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker, and James Wilson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

4. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Town of Southampton in the County of Bruce or at such other place as may best suit the interest of the company.

5. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of
conveyance
of land to
company.

6. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, or unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscription
for stock not
binding until
confirmed.

7. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to
company.

8. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in manner provided by *The Railway Act of Ontario*) to be divided into shares of \$ - each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates^{and} connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act.

Capital stock.

9. When and as soon as shares to the amount of \$ of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered Bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Town of Southampton, of the time, place and purpose of the said meeting.

First meeting
to elect
directors.

Directors
election
quorum.

10. At such general meeting the shareholders present shall either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Qualification
of directors.

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Laying out
line in sec-
tions.

12. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan or book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

Rev. Stat.
c. 207.

Rights of
Aliens.

13. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether residents in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

14. The directors may from time to time make calls ^{Calls.} as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 16 of this Act.

15. The provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promotors or other persons who may be employed by the directors in furthering the undertaking or for the purchase of right of way, material, plant, or rolling stock, whether such promotors or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. ^{Certain payments may be made in paid up stock.}

16. The head office of the company shall be at the said ^{Head office.} Town of Southampton in the County of Bruce and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Southampton on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Town of Southampton during the four weeks immediately preceding the week in which such meeting is to take place.

17. Special general meetings of the shareholders of the company may be held at such places and at such time and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding paragraph. ^{Special general meetings.}

18. At all meetings of the company, the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. ^{Voting at meetings.}

19. The directors of the company shall have power to issue ^{Bonds.} bonds of the company for the purpose of raising money for prosecuting the said undertaking but the whole amount of the issue of such bonds shall not exceed in all the sum of \$. for each mile of the said railway and branches and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Transfer of
bonds.

20. All such bonds, debentures and other securities and coupons and interest warrant thereon respectively may be made payable to bearer and transferrable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable
instruments.

21. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging
bonds.

22. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and
telephone
lines.

24. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines,

the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company, provided that no poles shall be erected in the construction of either of the lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages by the public by such line or lines of telegraph or telephone and collect tolls for so doing.

25. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the conditions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways. Municipal aid to company.

26 Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, Submitting by-laws namely :

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Conditions of
bonus by-laws.

27. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit of
expenses
incurred in
submitting
by-law.

28. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to
pass by-law if
assented to.

29. In case the by-law submitted to be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of
debentures.

30. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Rate on
port ons of
municipalities.

31. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
Rev. Stat.
c. 223.

32. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

By-laws
extending
time for com-
mencement.

33. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from

time to time, provided that no such extension shall be for a longer period than one year.

34. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the work (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time. By-laws extending time for completion.

35. Any municipality or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. Limit of rates.

36. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. By-laws exempting.

37. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land from municipality.

38. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieu- Trustees of municipal debentures.

tenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustees within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of debentures.

39. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Huron and Bruce Railway Company, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trustees.

40. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to purchase whole lots.

41. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may

sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

42. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Taking land
for gravel
pits, etc.

43.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to
gravel pits.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

44. The company shall have power and authority :

Powers of
Company.

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have

Power-houses,
etc.

power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Buildings,
Stations, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots wharves, and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary and convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Providing
electricity.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company;

Disposing
of surplus
power.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Light, Heat, or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Conveying
electricity
over high-
ways, etc.

(5) To purchase the right to convey electricity required for the working of the railway, and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passes in pursuance thereof.

Agreements
with municipa-
lities as to
construction
on highways.

45.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance

thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, sub section 5, of the preceding section, and in this section, shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. Rev. Stat.
c. 223.

46. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered ; provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

47. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. Agreements
with other
companies.

48. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company if lawfully empowered to enter into such arrangements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agree- Running
arrangements
with other
companies.

ment for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Transfer of
shares.

49. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Receiving
back charges
on goods.

50. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Rev. Stat.
c. 209 not to
apply to
company.

51. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Time for com-
mencement
and comple-
tion.

52. The railway hereby authorized shall be commenced within three years and finished and put in operation within six years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

SCHEDULE A.

(Section 5.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Huron and Bruce Railway Company, the receipt whereof is hereby acknowledged do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Huron and Bruce Railway Company their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (our) hand and seal (or hands and seals) this
day of one thousand nine hundred and

Signed, sealed and delivered
• in the presence of

[L.S.]

SCHEDULE B.

(Section 39.)

CHIEF ENGINEER'S CERTIFICATE.

The Huron and Bruce Railway Company's Office

No.

A.D. 19

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Huron and Bruce Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the second year of His Majesty's reign.

I , Chief Engineer of The Huron and Bruce Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of 19 between the corporation of and the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to incorporate The Huron and
Bruce Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. FARWELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Huron and Bruce Railway Company.

WHEREAS Gideon Kastner, of the Town of Wiarton, in the County of Bruce, lumberman; J. Ernest Campbell, of the Township of Amabel, in the County of Bruce, druggist; William McGregor, of the *Village* of Southampton, in the County of Bruce, merchant; David Geddes, of the Town of Port Elgin, in the County of Bruce, merchant; Neil D. McDougall, of the Township of Bruce, in the County of Bruce, farmer; Joseph Barker, of the Town of Kincardine, in the County of Bruce, gentleman; and James Wilson, of the Town of Goderich, in the County of Huron, druggist; have by their petition, prayed for an act of incorporation under the name of "The Huron and Bruce Railway Company" for the purpose of constructing, equipping, maintaining and operating a railway between a point at or near the Town of Wiarton in the County of Bruce, and a point at or near the Town of Goderich in the County of Huron, and passing near or through the Town of Kincardine and the *Village* of Southampton, and through the Township of Amabel, the Indian Reserve or the Township of Arran, and the Townships of Saugeen, Bruce, Kincardine, Huron or Kinloss, Ashfield or West Wawanosh, Colborne and Goderich, and have further prayed that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker and James Wilson, and such other persons and corporations as shall hereafter become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Huron and Bruce Railway Company" hereinafter called "the Company."

2. The Company is hereby authorized and empowered to survey, lay out, construct, equip, complete and operate and maintain, a railway of the gauge of four feet, eight and one-half inches, to be operated by steam with double or single iron or steel tracks, between a point at or near the Town of Wiarton and a point at or near the Town of Goderich, and passing near or through the Town of Kincardine and the *Village* of Southampton, and through the Township of Amabel, the Indian Reserve or the Township of Arran, and the Townships of Saugeen, Bruce, Kincardine, Huron or Kinloss, Ashfield or West Wawanosh, Colborne and Goderich, and have further prayed that it be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition,

Location of line.

ton, in the County of Bruce, and a point at or near the Town of Goderich, in the County of Huron, and passing near or through the Town of Kincardine and the *Village of Southampton* and through the Township of Amabel, the Indian Reserve or the Township of Arran, and the Townships of Saugeen, Bruce, Kincardine, Huron or Kinloss, Ashfield or West Wawanosh, Colborne and Goderich.

Provisional
directors.

3. The said Gideon Kastner, J. Ernest Campbell, William McGregor, David Geddes, Neil D. McDougall, Joseph Barker, and James Wilson, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors

4. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to the stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Village of Southampton, in the County of Bruce or at such other place as may best suit the interest of the company.

Rev. Stat.
c. 207.

Form of
conveyance
of land to
company.

5. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns of the estate or interest therein mentioned and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in the same manner

and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

6. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. Subscription for stock not binding until confirmed.

7. The company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. Aid to company.

8. The capital stock of the company hereby incorporated shall be \$500,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into 5,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act. Capital stock. Rev. Stat. c. 207.

9. When and as soon as shares to the amount of \$100,000 of capital stock in the company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said Village of Southampton, of the time, place and purpose of the said meeting. First meeting to elect directors.

10. At such general meeting the shareholders present shall either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than twelve persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of di- Directors election quorum.

rectors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum *of the board*, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

11. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company and unless he has paid up all calls thereon.

Laying out
line in sec-
tions.

Rev. Stat.
c. 207.

12. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Rights of
Aliens.

13. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the company.

Calls.

14. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 16 of this Act.

15. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking or for the purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters. ^{Directors empowered to pay in stock.}

16. The head office of the company shall be at the said Village of Southampton in the County of Bruce and the general annual meeting of the shareholders of the company shall be held in such place in the said Village of Southampton on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said Village of Southampton during the four weeks immediately preceding the week in which such meeting is to take place. ^{Head office.}

17. Special general meetings of the shareholders of the company may be held at such places and at such time and in such manner and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in the last preceding section. ^{Special general meetings.}

18. At all meetings of the company, the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. ^{Voting at meetings.}

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the ^{Rev. Stat. c. 207.}

issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of the said sub-sections.

Transfer of
bonds.

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Negotiable
instruments.

21. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary or treasurer, as may be provided by the by laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president, or the secretary or treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging
bonds.

22. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies

23. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Telegraph and

24. The company may also construct an electric telegraph

line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company, provided that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; ^{and} provided also that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

telephone
lines.

25. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the company shall pass or be situate, may aid the company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Municipal aid
to company.

26 Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

Submitting
by-laws

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.
c. 223.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

Rev. Stat.
c. 223.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be

that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Conditions of
bonus by-laws.

27. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Deposit of
expenses
incurred in
submitting
by-law.

28. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Council to
pass by-law if
assented to.

29. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Issue of
debentures.

30. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed under this Act.

Rate on
portions of
municipalities.

31. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
Rev. Stat.
c. 223.

32. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

33. The councils for all corporations that may grant aid by way of bonus to the company may, by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year. By-laws extending time for commencement.

34. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company, by resolution or by-law, to extend the time for the completion of the work (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time. By-laws extending time for completion.

35. Any municipality or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. Limit of rates.

36. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years, and no such by-law shall be repealed unless in conformity with a condition contained therein. By-laws exempting.

37. Any municipality through which the said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grants of land from municipality.

Trustees of
municipal
debentures.

38. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or *other* trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of de-
bentures.

39. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Huron and Bruce Railway Company Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees of trusts.

40. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Power to
purchase
whole lots.

41. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over

which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. Rev. Stat. c. 207.

42. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. Taking land for gravel pits, etc.
Rev. Stat. c. 207.

43.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. Sidings to gravel pits.
Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply. Rev. Stat. c. 207.

44. The company shall have power and authority :

Powers of Company.

Ware-houses,
etc.

(1) To purchase land for and erect warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Buildings,
Stations, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots wharves, and fixtures, and from time to time to alter, repair or enlarge the same, and to build, purchase and acquire engines, carriages, waggon and other machinery and contrivances necessary and convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;

Snow fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into, and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damage (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April next following

Agreements
with other
companies.

46. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, and the Manitoulin and North Shore Railway Company, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided; ~~that~~ that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose.

Running
arrangements
with other
companies.

47. The company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, and the Manitoulin and North Shore Railway Company if lawfully empowered to enter into such arrangements upon terms to be *first authorized* by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any or either of the said railway companies, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or

for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be *so authorized* by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

48. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

49. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Receiving back charges on goods.

50. The provisions of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Rev. Stat. c. 209 not to apply to company.

51. The railway hereby authorized shall be commenced within *two* years and finished and put in operation within *five* years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete. Time for commencement and completion.

52. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation, &c., shall be subject to the general regulations made by the Board of Railway Commissioners. Powers as to arrangements with other companies subject to general regulations.

gamation or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council, or any Special Committee of the Executive Council of Ontario appointed for that purpose, may from time to time order.

SCHEDULE A.

(Section 5.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by The Huron and Bruce Railway Company, the receipt whereof is hereby acknowledged do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Huron and Bruce Railway Company their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (our) hand and seal (or hands and seals) this
day of one thousand nine hundred and

Signed, sealed and delivered
in the presence of

[L.S.]

SCHEDULE B.

(Section 39.)

CHIEF ENGINEER'S CERTIFICATE.

The Huron and Bruce Railway Company's Office

No.

A.D. 19

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Huron and Bruce Railway Company Municipal Trust Account given under section chapter of the Acts of the Legislature of Ontario, passed in the second year of His Majesty's reign.

I , Chief Engineer of The Huron and Bruce Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of 19 between the corporation of and the said company to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to incorporate The Huron and
Bruce Railway Company.

First Reading, 25th February, 1902.

(Reprinted as amended by Railway
Committee.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Algoma Steel Company,
Limited.

WHEREAS The Algoma Steel Company, Limited, was incorporated under the provisions of *The Ontario Companies Act* by letters patent under the Great Seal bearing date the 10th day of May, 1901, with the rights, powers and privileges in the said letters patent mentioned; and whereas the said company desires to have its incorporation confirmed, and to be authorized to engage in mining and other operations incidental thereto without thereby becoming subject to *The Ontario Mining Companies Incorporation Act*, and to other Acts of the Legislature of Ontario, and to have its powers increased and added to, and has, by its petition, prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of The Algoma Steel Company, Limited, on the 10th day of May, 1901, by letters patent set out in the schedule to this Act is confirmed and declared to be legal and valid, and the said company is declared to be a body corporate and politic, duly incorporated under the provisions of *The Ontario Companies Act* with the rights, powers and privileges in the said letters patent of incorporation mentioned.

Incorporation confirmed.

2. In addition to all other rights, powers and privileges conferred on the said company by said letters patent of incorporation and by *The Ontario Companies Act* and amendments thereto, the said company shall have the powers mentioned and set out in section 4 of *The Ontario Mining Companies Incorporation Act*, but save as aforesaid none of the provisions of the said *The Ontario Mining Companies Incorporation Act* shall apply to or affect the said company.

Company to have certain powers under Rev. Stat. c. 197.

3. The said company has and has had from the date of incorporation power to subscribe for, take, hold or purchase the shares, stock, bonds and debentures or other securities of any company heretofore or hereafter incorporated, having for its object, or any of its objects, the promotion of any of the objects

Purchasing stock in other companies.

which the said The Algoma Steel Company, Limited, is authorized to carry out, or any object ancillary thereto or connected therewith, and the said The Algoma Steel Company, Limited, may advance money by way of mortgage or otherwise thereon and may sell, assign, transfer, hypothecate or otherwise dispose of such shares, stock, bonds, debentures or other securities, but nothing in this section contained shall authorize the said company to carry on the general business of a loan corporation within the meaning of *The Loan Corporations Act*, and the said Act shall not apply to the said company.

SCHEDULE A.

LETTERS PATENT INCORPORATING THE ALGOMA STEEL COMPANY, LIMITED.

O. Mowat.

CANADA.

PROVINCE OF ONTARIO.

Edward The Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc., etc.

To all to whom these presents shall come, greeting.

Whereas *The Ontario Companies' Act* provides that with the exceptions therein mentioned the Lieutenant-Governor of our Province of Ontario in Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the legislative authority of the Legislature of Ontario extends.

And whereas by their petition in that behalf the persons herein mentioned have prayed for a charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas it has been made to appear to the satisfaction of our Lieutenant-Governor in Council that the said persons have complied with the conditions precedent to the grant of the desired charter and that the said undertaking is within the scope of the said Act.

Now therefore know ye that by and with the advice of the Executive Council of our Province of Ontario and under the authority of the hereinbefore in part recited Statute and of any other power or authority whatsoever in us vested in this behalf, we do by these our Letters Patent create and constitute the persons hereinafter named, that is to say, Edward Varian Douglas, Manufacturer; William Kuhl Stager, Accountant; and John S. Freeman, Attorney at-law, all of the City of Philadelphia in the State of Pennsylvania, one of the United States of America; Francis Hector Clergue, Manufacturer, and Henry Coulthard Hamilton, Barrister-at-law, both of the Town of Sault Ste Marie in the District of Algoma and Province of Ontario, and any others who become subscribers to the Memorandum of Agreement of the Company and their successors respectively a corporation for the purposes and objects following, that is to say:—(a) To manufacture and deal in iron, steel, and nickel and the products thereof; (b) to manufacture charcoal and bye-products, coke and bye-products, and to deal in wood and the products thereof, and (c) to carry on the business of an engineer and contractor for the manufacture and building of iron and steel railway and highway bridges, cars and locomotives, steamships or other water craft, buildings and other structures and in connection with the business and purposes of the company (1) To acquire water powers and other rights and privileges, and to de-

velop and utilize the same. (2) To construct, acquire, navigate and dispose of steam and other vessels for the purpose of transporting ore, coal, coke and other necessities required for the business of the company, and also for shipping the products of the mill furnaces, mines and works. (3) To issue paid up shares of the capital stock of the company for lands, materials for building purposes, machinery, tools, appliances, real and personal property, contracts, claims, mining location privileges, patents of invention or other rights. (4) To acquire on any terms that may be agreed upon the business, good will and property of any other company having objects wholly or in part similar to those of the company hereby incorporated, and to undertake, assume or pay any of the obligations or liabilities connected therewith, and (5) to subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company having objects wholly or in part similar to those of the company hereby incorporated, or having for its objects or any of its objects the promotion of any of the objects which the company hereby incorporated is authorized to carry out, or any objects ancillary thereto or connected therewith; to subscribe for, take hold, or purchase the shares, stock, bonds and debentures or other securities of any company which may wholly or in part derive its rights, privileges or franchises from the company hereby incorporated, and to sell, assign, transfer, hypothecate, or otherwise dispose of such shares, stock, bonds, debentures, or other securities; provided, however, the directors have first been expressly authorized by by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law.

The corporate name of the company to be the Algoma Steel Company, Limited.

The share capital of the company to be twenty million dollars divided into two hundred thousand shares of one hundred dollars each; the head office of the company to be at the said Town of Sault Sainte Marie and the provisional directors of the company to be Edward Varian Douglas, William Kuhl Stager, John S. Freemann, Francis Hector Clergue and Henry Coulthard Hamilton, hereinbefore mentioned.

In testimony whereof we have caused these, our letters to be made patent and the great seal of our Province of Ontario to be hereunto affixed.

WITNESS :—The Honourable Sir Oliver Mowat, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Privy Council for Canada and Lieutenant Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our said Province this tenth day of May in the year of Our Lord one thousand nine hundred and one and in the first year of Our Reign.

By Command,

J. R. STRATTON,
Provincial Secretary.

J. M. GIBSON,
Attorney General.

Recorded 16th day of May, A.D. 1901, as No. 8.

JOHN F. USSHER,
Deputy Registrar.

5th Session, 9th Legislature.
2 Edward VII, 1902.

BILL.

An Act respecting the Algoma Steel Company, Limited.

First Reading, , 1902.

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act to authorize the Establishment of Coal Yards
by Municipalities.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Where, in the opinion of the council of any municipality
5 a combination exists amongst persons residing either within
or without the municipality, to prevent or lessen competition
in the production, purchase, sale, transportation or supply of
coal, or to unreasonably enhance the price of such commodity
or which has such effect, such council may by by-law establish
10 yards for the sale and storage of such commodity, and may
purchase and keep in stock from time to time such quantities
thereof as may be deemed necessary, and may from time to
time sell and deliver the same to such of the ratepayers and
residents of the municipality as may be willing to purchase
15 the same, in such quantities as they may require, at such prices
and upon such terms as may be deemed expedient, and may
acquire by purchase, lease, hire or otherwise such land, build-
ings, horses, plant and tools as may be necessary for the pur-
poses aforesaid, and generally may enter into such contracts
20 and agreements and do all such things as may be necessary to
enable such council to provide the ratepayers and residents of
the municipality with coal at such advance on the first cost
thereof as may be sufficient to cover the expense of handling
the same.

By-laws for
establishment
of municipal
coal yards.

No. 76.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to authorize the Establishment of
Coal Yards by Municipalities.

First Reading, 29th January, 1902.

MR. POWELL.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act amending The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 76, 77, 78 and 79 of *The Municipal Act* are
5 repealed and the following substituted therefor.

Rev. Stat.
c. 223 ss 76-79
repealed.

“ 76. Any person shall be qualified to be elected a member
of a municipal council, who resides within the municipality or
within two miles thereof, is a natural born or naturalized sub-
ject of His Majesty, a male of the full age of twenty-one years,
10 is not disqualified under this Act and is qualified under this
Act to vote at municipal elections ” ; and by striking out the
figures “ \$400 ” where the same occur in paragraph 87 thereof
and by substituting therefor the figures “ \$300 ” .

Qualification
of members
of councils.

No. 77.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act amending The Municipal Act.

First Reading, 29th January, 1902.

Mr. POWELL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 617 of *The Municipal Act* is amended by adding thereto the following sub-section:—

Rev. Stat.,
c. 223, s. 617,
amended.

6. Where it is a duty of a county or two or more counties under this Act to maintain any bridge, such county or counties may pass a by-law widening, altering, diverting or stopping up so much of the public road or highway as such bridge and the approaches thereto form, and opening up in lieu of such bridge so stopped up some other public road or highway, which will provide proper and suitable ingress and egress along the public highway of which the bridge stopped up forms a part.

Diversion of
road between
two or more
counties in
lieu of main-
taining
bridge.

7. The part of the highway widened, altered, diverted or opened up under the last preceding sub-section shall be maintained by and be under the jurisdiction of the county or counties making such change unless assumed and maintained by the adjoining townships.

Maintenance
of diverted
portion of
highway.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading,	1902.
----------------	-------

Mr. BURT.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 86 of the said Act is amended by striking out the figures "\$400" in the fourth line of the sub section headed "Thirdly" and substituting the figures "\$200" in lieu thereof. Rev. Stat.
c. 223, s. 86,
amended.
Qualification
of voters.
2. Section 87 of the said Act is amended by striking out the figures "\$400" in the eighth line thereof, and substituting the figures "\$200" in lieu thereof. Rev. Stat.
c. 223, s. 87,
amended.
Qualification
of voters.
- 10 3. Section 95 of the said Act is amended by adding thereto the following sub-section :—
 - 95a. In cities having a population of over 100,000 inhabitants, the council thereof may by by-law to be passed not later than the 15th November in any year enact that the meeting of electors for the nomination of candidates for the offices of mayor, aldermen and public school trustees, shall be held on the 21st of December (except where the said 21st of December falls on a Sunday, in which case the nomination shall be held on the following day) and that the election of mayor, aldermen and public school trustees in such municipality (except such members as have been previously elected) shall be held on the 1st day of January next thereafter (except where the 1st day of January falls upon a Sunday, in which case the election shall be held upon the following day).Rev. Stat.
c. 223, s. 95,
amended.

Hold elections
on New
Year's Day.

Nomination
on 21st De-
cember.
- 25 4. Section 276 of *The Municipal Act* is repealed and the following substituted in lieu thereof :—

276.—(1) In cities having a population of 100,000 or more there shall be a board of control to consist of the mayor and four other persons to be elected by the whole city in the same manner in which the mayor is now elected, and the persons entitled to be elected, the proceedings for nomination and election, the qualification of voters and other provisions in the Act applicable to electors entitled to vote for mayor, shall *mutatis mutandis* apply to the election of the said four persons to the board of control.

Rev. Stat.
c. 223, s. 276,
repealed.

Board of
control, how
composed ;
election of.
- 35 (2) The four persons so elected to the board of control shall hold office for two years, and shall be known as controllers, Term of office.

and the council in such cities shall, notwithstanding the provisions of section 9 of the Act passed in the 54th year of the reign of Her late Majesty Queen Victoria and chaptered 82, hereafter consist of the mayor, four controllers and eighteen aldermen, three of whom shall be elected from each of the wards into which the city was thereby authorized to be divided. 5

Quorum,
chairman.

(3) Three members of the board shall form a quorum and the mayor, when present, shall preside at the meetings of the board, and the board may elect one of their number as vice-chairman to preside in the absence of the mayor and to perform such other duties as the board may determine. 10

Salaries.

(4) The council may fix by by-law the salaries to be paid to the members of the board of control, but the same shall not exceed for each member the sum of \$700 per annum. 15

(5) Any member of the board of control shall be eligible to be elected as chairman of or to be a member of any committee of the council.

Vacancies.

(6) In case any member of the board of control, other than the mayor, dies or resigns, or his seat becomes vacant by disqualification or otherwise, the council may at a meeting called for that purpose, elect one of their number to fill the place on the board during the residue of the the term, and the person so elected shall not thereby vacate his seat as a member of the council. 20 25

Rev. Stat.
c. 223, s. 277,
amended.

5. Section 277 of the said Act is amended by adding at the end of sub-section 8 the following words:—

“The public school board, the separate school board and the high school board shall submit such estimates in detail to the board of control, which last mentioned board shall have full power to call for persons and papers, and to revise such estimates in the same manner as estimates submitted by the committees of the municipal council; that the estimates as revised, with any recommendations of the board of control concerning same, shall be returned to the public school board, the separate school board and the high school board respectively, shewing the alterations, if any, which may have been made therein by said board of control. The alterations made by the board of control may be restored in part or in whole by a two-thirds vote of the public school board, the separate school board or the high school board respectively, but not otherwise, and except as so altered or restored, shall remain and be the estimates of such board respectively for the current year.” 30 35 40 45

Rev. Stat.
c. 223, s. 632,
subs. 4,
amended.
Obtaining
deed of road
in any municipality.

6. Sub-section 4 of section 632 of the said Act is amended by striking out the words “A township or village” in the first line, and inserting the words “any municipality” in lieu thereof. 45

7. Section 29 of *The Municipal Amendment Act, 1901*, is amended by striking out the words "in addition to" in the first line of section 1a therein; by inserting in lieu thereof the words "instead of"; by substituting the word "may" for the word "shall" in the fourth line thereof, and by striking out the words "and occupants" in the same line.

1 Ed. VII, c.
26, s. 29
amended.

Initiation
notice by mail-
ing optional.

8. Sub-section 6 of section 583 of the said Act is amended by inserting after the word "force" in the second line thereof the following words "and for preventing the posting up or distributing of posters, pictures or hand bills in the said municipality which shall, in the opinion of the Police Commissioners, the Chief of Police, the Deputy Chief of Police, or any officer specially detailed for that purpose, be indecent."

Rev. Stat. c.
223, s. 583, ss. 6
amended.

Prevented in-
decent posters.

9. Sub-section 9 of section 586 of the said Act is amended by inserting after the word "off" in the second line the following words "and the manufacture and sale."

Rev. Stat. c.
223, s. 586, ss. 9
amended.

Manufacture
and sale of
fireworks.

Rev. Stat. c.
223, s. 664, ss. 2
amended.

Including sub-
way as local
improvement

10. Sub section 2 of section 664 of the said Act is amended by inserting the word "subway" after the word "bridge" in the seventh line thereof.

Rev. Stat. c.
223, s. 674, ss. 1
amended.

Including
subway.

11. Sub-section 1 of section 674 of the said Act is amended by inserting the word "subway" after the word "bridges" in the third line thereof.

Rev. Stat. c.
223, s. 674, ss. 2
amended.

Including
subway.

12. Sub-section 2 of section 674 is also amended by inserting the word "subway" after the word "bridge" in the first line.

Rev. Stat. c.
223, s. 675
amended.

Including
subway.

13. Section 675 of the Act is amended by inserting the word "subway" after the word "bridge" in the third line thereof.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 29th January, 1902.

MR. CRAWFORD.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 80.]

BILL.

[1902.

An Act respecting Expert Witnesses.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

Limit of
number of
expert wit-
nesses in
action etc.

1. Where in any action, arbitration, or other proceeding it is
5 intended by any party to examine as witnesses professional or
other experts entitled according to the law or practice to give
opinion evidence not more than three of such witnesses may
be called upon either side without the leave of the presiding
judge or of the arbitrator or other person presiding, such leave
10 to be applied for before the examination of any of the experts
who may be examined without such leave.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting Expert Witnesses.

First Reading, 30th January, 1902.

Mr. GARROW.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to provide for the appointment of a Board of
Provincial Arbitrators for certain purposes.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Municipal Arbitration* Short title.
5 *Amendment Act*.

2. In this Act the word "Board" shall be interpreted as "Board,"
the board of arbitrators appointed under this Act. meaning of.

3. Notwithstanding anything contained in *The Municipal* Provincial
Act or any other Act, the Lieutenant-Governor-in-Council shall board of
10 appoint a provincial board of arbitrators whose duty shall be arbitrators.
to adjust the terms of sale and purchase of all public utilities
taken over by municipalities from corporations or private in-
dividuals anywhere within the Province of Ontario.

4. The said board of arbitrators shall consist of three mem- Constitution
15 bers, and shall be composed of of board.

5. Said board of arbitrators shall have all the powers of an Powers and
official referee under *The Judicature Act* as well as of arbitra- jurisdiction
tors under *The Municipal Act* and of other arbitrators gener- of arbitrators.
ally, and together also with all the powers of a Judge of the
20 High Court, including the production of books and papers,
amendments of notices, rectifications of errors or omissions and
all matters whatsoever incidental to the decision of all matters
coming before them for adjustment.

6. Either party to an arbitration under this Act shall be Notice of ap-
25 entitled to fourteen clear days' notice of the intention of the plication for
other party to apply to the board for an arbitration under this arbitration.
Act.

7. The Board shall serve a notice upon the respective parties Notice of
to the arbitration setting forth the time and place of such hearing.
30 hearing at least twenty clear days before the time appointed
for said hearing, and shall make their award in writing within
one month after the hearing is completed.

8. *The fees to be paid to the arbitrators shall be the same as* Fees of
those payable to referees under the provisions of "The Act re- arbitrators.

specting Arbitrations and References", and shall be defrayed by the Government.

Witnesses and
witness fees.

9. Each party to the arbitration shall be liable for the payment of the fees of witnesses called on his behalf, and the witnesses are to be limited to five on each side unless in the opinion of the board a larger number of witnesses are deemed necessary to the proper adjudication of the matter in dispute, in which event said board shall have the power of determining which party shall assume the expense occasioned by calling such additional witnesses. 5 10

Municipal
debentures
limited to
forty years.

10. In the event of a municipality desiring to issue debentures for the purpose of taking over any work, undertaking or any public utility, such debentures shall not extend over a period of more than forty years.

Assent of rate-
payers to
disposal of
public
franchises.

11. No municipality shall have the power to dispose of any public franchise without first submitting same to a public vote of the freeholders of the municipality for their approval. 15

Award to be
final.

12. The award of the board or a majority thereof shall be final and without appeal.

Act incorpor-
ated with Rev.
Stat., c. 223.

13. This Act shall be read with and as part of *The Municipal Act*. 20

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to provide for the appointment of a
Board of Provincial Arbitrators for
certain purposes.

First Reading, 30th January, 1902.

Mr. KRIBS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 82.]

BILL.

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection 9 of section 18 of *The Municipal Act*, as 1 Edw. VII,
5 enacted by section 2 of subsection 9 of *The Municipal* c. 26, s. 2,
Amendment Act, 1901, is hereby amended by striking out the amended.
figures 1866 in the fourth line of the said subsection 9 and Separation of
inserting in lieu thereof the figures 1880. farm lands
from towns
and villages.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 30th January, 1902.

Mr. RICHARDSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Drainage Act. 11 C 3

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. *The Municipal Drainage Act* is amended by inserting
5 therein the following section 8a :— Rev. Stat.
c. 226
amended.

8a. Where, in the opinion of the engineer or surveyor, the
cost of continuing the drainage work to a point where the
discharge of water will do no injury to lands and roads, will
exceed the amount of injury likely to be caused to low lying
10 lands below the termination of the work, he may instead of
continuing the work to such a point, include in his estimate of
the cost of the drainage work a sufficient sum to compensate
the owners of such low lying lands for any injuries they may
sustain from the drainage work, and he shall in his report
15 determine the amount to be paid to the respective owners of
such low lying lands in respect of such injuries. Assessment of
compensation
for damage
to low lands
instead of
constructing
drain to an
outlet.

2. Sub-section 6 of Section 9 of the said Act is amended by
inserting after the word "sub-section" where it occurs in lines
3 and 4 the words "or of sub-section 8a". Rev. Stat.
c. 226, s. 9,
sub-s. 6
amended.

20 **3.** Sub-section 7 of the said section 9 is amended by adding
at the end thereof the following words "and he shall also in
like manner notify each of the owners of lands in respect of
which the report provides for compensation pursuant to sec-
tion 8a of this Act of the date of fying the report, the amount
25 awarded to such owner for compensation and the date of the
council meeting at which the report will be heard and con-
sidered. Rev. Stat.
c. 226, s. 9,
sub-s. 7
amended.
Notice to own-
ers for whom
compensation
assessed.

No. 83.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Drainage Act.

First Reading, 30th January, 1902.

Mr. AULD.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Drainage Act* is amended by inserting therein the following section 8a:—

Rev. Stat.
c. 226
amended.

8a. Where, in the opinion of the engineer or surveyor, the cost of continuing the drainage work to a point where the discharge of water will do no injury to lands and roads, will exceed the amount of injury likely to be caused to low lying lands below the termination of the work, he may instead of continuing the work to such a point, include in his estimate of the cost of the drainage work a sufficient sum to compensate the owners of such low lying lands for any injuries they may sustain from the drainage work, and he shall in his report determine the amount to be paid to the respective owners of such low lying lands in respect of such injuries.

Assessment of
compensation
for damage
to low lands
instead of
constructing
drain to an
outlet.

2. Subsection 6 of section 9 of the said Act is amended by striking out the words "the next preceding subsection" and inserting in lieu thereof the words "this section."

Rev. Stat.
c. 226, s. 9,
sub-s. 6
amended.

3. Subsection 7 of the said section 9 is amended by adding at the end thereof the following words "and he shall also in like manner notify each of the owners of lands in respect of which the report provides for compensation of the date of filing the report, the amount awarded to such owner for compensation and the date of the council meeting at which the report will be read and considered."

Rev. Stat.
c. 226, s. 9,
sub-s. 7
amended.
Notice to own-
ers for whom
compensation
assessed.

4. Section 5 of the Act passed in the 1st year of His Majesty's reign *chaptered 30* is amended by adding the following as subsection 2 thereof:

1 Edw. VII.,
c. 30 s. 5,
amended.

(2) But nothing herein shall affect pending litigation in respect to the power of the Court or Judge to refer the same for trial to the said referee and this amendment shall have the same force and effect as if it had been passed with and formed part of *the* said section 5.

Pending re-
ferences.

No. 83.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Drainage Act.

First Reading, 30th January, 1902.

(Reprinted as amended by the Legal
Committee.)

Mr. AULD.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Trustee Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Section 18a of *The Trustee Act* as enacted by section 18 of 63 V c. 17 s. 5 of 63 Victoria, chapter 17 is hereby repealed and the following 18 repealed. substituted therefor as section 28a of *The Trustee Act*.

28a. A trustee appointed by any deed, will, or other instrument in writing, any guardian appointed by any court desiring to pass the accounts of his dealings with the estate to 10 which he is trustee or guardian may file his accounts in the office of the Surrogate Court of the county in which he, or one of them is resident or in the Surrogate Court of the county in which the estate or part of the same is situate, and thereupon the proceedings and practice upon the passing of the said accounts 15 shall be the same and have the like effect as the passing of executors' or administrators' accounts in the Surrogate Court: Provided however that in the case of passing accounts under any will or guardianship the accounts which may be so filed and passed shall be filed and passed in the office of the Surrogate Court by which probate of the will or letters of guardianship 20 was granted as the case may be.

28b. All accounts of trustees or guardians heretofore passed in the Surrogate Court of the county in which they or one of them is resident or in the Surrogate Court of the county 25 in which the estate or part of the same is situated where the official guardian has been represented prior to the passing of this Act and when such passing of accounts has not heretofore been disputed before the courts are hereby confirmed, and such passing of accounts shall be valid as respects all the heirs 30 next of kin or devisees whether infants or of full age.

28c. Next of kin, heirs and devisees not resident within the Province of Ontario may be served with notice of all proceedings in the Surrogate Court in such manner as the court or a judge thereof may order and shall be bound thereby to the 35 same extent as if resident within the province.

Filing
accounts by
trustees or
guardian

Accounts
heretofore
passed
confirmed.

Notice to
next of kin
heirs and
devisees.

No. 84.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Trustee Act.

First Reading, 31st January, 1902.

Mr. BARR.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection 4 of section 613 of *The Municipal Act* is re-
5 pealed, and the following substituted therefor :

Rev. Stat.,
c. 223, s. 613,
subs. 4,
repealed.

(4) Over all bridges over rivers, streams, ponds or lakes
forming or crossing boundary lines between two local munic-
ipalities in the county, and where such boundary line between
two local municipalities is a river then over all bridges over
10 100 feet in width crossing any stream or tributary flowing
into such river where the said bridge and the highway which
it connects runs along or adjacent to the said river.

Bridges over
boundary
lines.

No. 85.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 5th February, 1902.

Mr. PETTYPIECE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

The Agriculture and Arts Amendment Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. This Act may be cited as *The Agriculture and Arts* Short title.
5 *Amendment Act, 1902*, and shall be read with and as part of Rev. Stat.
The Agriculture and Arts Act. c. 43.
2. Section 32 of *The Agriculture and Arts Act* is amended Rev. Stat.
by striking out the words "The Poultry Association of On- c. 43, s. 32.
tario" in the tenth line and by substituting therefor the
10 words "The Western Poultry Association;" and by striking Poultry Asso-
out the words "and Pet Stock" in the eleventh line. ciation.
3. Sub-section 5 of section 33 of the said Act is repealed Rev. Stat.
and the following substituted therefor: c. 43, s. 33,
subs. 5,
repealed.
- (5) The Eastern Ontario Poultry Association shall elect one Election of
15 director from each of the divisions numbered 1, 2, 3, 4, 5, 6, directors by
and 13 in Schedule A. Eastern On-
tario Poultry
Association.
4. Sub-section 6 of section 33 of the said Act is repealed Rev. Stat.
and the following substituted therefor: c. 43, s. 33,
subs. 6,
repealed.
- (6) The Western Ontario Poultry Association shall elect one Election of
20 director from each of the divisions numbered 6, 7, 8, 9, 10, 11, director by
12, and 13 in Schedule A. Western On-
tario Poultry
Association.
5. Sub-section (2) of section 37 of the said Act is repealed. Rev. Stat.
c. 43, s. 37,
subs. 2,
repealed.
6. Section 19 of the said Act is amended by striking out Rev. Stat.
the word "September" in the first line, and by substituting c. 43, s. 19,
25 the word "August" therefor. amended.
7. Section 46 of *The Agriculture and Arts Act* is amended Rev. Stat.,
by adding thereto the following: c. 43, s. 46,
amended.
- (a) The formation of Women's Institutes for the purpose of Women's
improving rural home life, and of imparting information in Institutes.
30 regard to women's work upon the farm, shall be permitted
under this Act.

Rev. Stat.,
c. 43, s. 47,
amended

Rules respect-
ing Women's
Institutes.

8. Section 47 of the Act is amended by adding thereto the following :

(a) The Lieutenant-Governor-in-Council may, upon the recommendation of the Minister, adopt rules and regulations in regard to the organization of Women's Institutes, the general guidance or direction of such institutes, their relation to the Farmers' Institutes and the Department of Agriculture, and the grants of money to which they shall be entitled, with the conditions for payment of the same. 5

5th Session, 9th Legislature
2 Edward VII., 1902.

BILL

The Agriculture and Arts Amendment
Act.

First Reading, 5th February, 1902.

Mr. DRYDEN.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

The Agriculture and Arts Amendment Act, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Agriculture and Arts Amendment Act, 1902*, and shall be read with and as part of *The Agriculture and Arts Act*.

Short title.
Rev. Stat.
c 43.

2. Section 32 of *The Agriculture and Arts Act* is amended by striking out the words "The Poultry Association of Ontario" in the tenth line and by substituting therefor the words "The Western Poultry Association;" and by striking out the words "and Pet Stock" in the eleventh line.

Rev. Stat.
c. 43, s. 32.

Poultry Association.

3. Sub-section 5 of section 33 of the said Act is repealed and the following substituted therefor:

Rev. Stat.
c. 43, s. 33,
subs. 5,
repealed.

(5) The Eastern Ontario Poultry Association shall elect one director from each of the divisions numbered 1, 2, 3, 4, 5, 6, and 13 in Schedule A.

Election of
directors by
Eastern Ontario
Poultry
Association.

4. Sub-section 6 of section 33 of the said Act is repealed and the following substituted therefor:

Rev. Stat.
c. 43, s. 33,
subs. 6,
repealed.

(6) The Western Ontario Poultry Association shall elect one director from each of the divisions numbered 6, 7, 8, 9, 10, 11, 12, and 13 in Schedule A.

Election of
director by
Western Ontario
Poultry
Association.

5. Sub-section (2) of section 37 of the said Act is repealed.

Rev. Stat.
c. 43, s. 37,
subs. 2,
repealed.

6. Section 19 of the said Act is amended by striking out the word "September" in the first line, and by substituting the word "August" therefor.

Rev. Stat.
c. 43, s. 19,
amended.

7. Section 46 of *The Agriculture and Arts Act* is amended by adding thereto the following:

Rev. Stat.,
c. 43, s. 46,
amended.

(a) The formation of Women's Institutes for the purpose of improving rural home life, and of imparting information in regard to women's work upon the farm, shall be permitted under this Act.

Women's
Institutes.

Rev. Stat.,
c. 43, s. 47,
amended.

8. Section 47 of the said Act is amended by adding thereto the following :

Rules respect-
ing Women's
Institutes.

(a) The Lieutenant-Governor-in-Council may, upon the recommendation of the Minister, adopt rules and regulations in regard to the organization of Women's Institutes, the general guidance or direction of such institutes, their relation to the Farmers' Institutes and the Department of Agriculture, and the grants of money to which they shall be entitled, with the conditions for payment of the same.

Rev. Stat.
c. 43, s. 10,
subs. 2,
amended.

9. Sub-section (2) of section 10 of the said Act is amended by adding thereto the following :

(a) The annual meeting of any society shall be held at such place within the municipality for which the society is organized as may be decided upon by resolution of the society, or, in the event of the society not having passed such a resolution on or before the first day in December in any year, by a majority of the directors present at a meeting regularly called for that purpose.

5th Session, 9th Legislature.
2 Edward VII., 1902.

BILL

The Agriculture and Arts Amendment
Act, 1902.

First Reading, 5th February, 1902.
Second Reading, 12th February, 1902.

(Reprinted as amended in Committee of the
whole House.)

MR. DRYDEN.

TORONTO:

PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act to amend The Toll Roads Expropriation
Act, 1901.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Section 9 of *The Toll Roads Expropriation Act, 1901*,
5 is hereby repealed and the following section substituted there-
for :—

1 Edw. VII.
c. 33 s. 9
repealed.

9. After the award of the arbitrators has become abso-
lute or settled on appeal, or after an agreement has been
arrived at between the township or county council and the
10 owners or lessees of any road, as to the amount to be paid in
order that tolls on such roads may be abolished, as provided
by section 3 of this Act, the township or county council (as
the case may be) may, in the manner provided for in *The*
Municipal Act, pass a by-law for borrowing the amount
15 required to purchase the said roads, in accordance with the
award of the arbitrators, or the agreement made as aforesaid,
by the issue of debentures of the municipality, payable in not
more than twenty years, but without submitting such by-law
or by-laws for the assent of the electors. The county council
20 may provide by such by-law for raising any amount required
to pay, and may pay to any municipality or municipalities
which are not materially or are only slightly benefited by the
purchase of the road or roads, such a sum by way of bonus,
as may be deemed a fair or partial equivalent for the amount
25 which such municipalities will be required to pay towards the
said purchase, or any part thereof.

Issue of
debentures to
pay for roads
taken over by
township or
county.

No. 87.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Toll Roads Expro-
piation Act, 1901.

First Reading, 6th February, 1902.

Mr. LEYS.

TORONTO,

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Municipal Act* is hereby amended by inserting the following section after section 566 : Rev. Stat. c
223, amended.

566a. By-laws may be passed by the municipal councils of cities, towns, incorporated villages and townships for the following purposes, that is to say : By-laws re-
specting the
transmission
of electricity
over streets of
municipality.

10 (a) For authorizing any person, firm or incorporated
company supplying electricity for power, lighting
or heating, to lay down pipes or conduits enclosing
wires for the transmission of electricity under
streets or public squares, or to carry wires for the
transmission of electricity across or along any
15 streets or public squares, or to erect poles in streets
and public squares where necessary to support
such wires, subject to such regulations as the
council sees fit to impose.

20 (b) For authorizing any person, firm or incorporated com- Transmitting
steam over
streets of
municipality.
pany supplying steam for heat or power to lay
down pipes or conduits for transmitting steam
under streets or public squares, subject to such
regulations as the council sees fit to impose.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 6th February, 1902.

Mr. LEYS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 89.]

BILL.

[1902.

An Act to amend The Mechanics and Wage-Earners' Lien Act

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection 1, of section 22, of *The Mechanics and Wage-* Rev. Stat. c.
5 *Earners' Lien Act* is amended by adding at the end thereof 153, s. 22, subs.
the words, "or within seven days after the last certificate has 1, amended.
been given to such contractor or sub-contractor for payments
upon the contract.
2. This Act shall not apply to extend the time for register- Act not to ex-
10 ing a claim for lien in or apply to any case in which the time tend time
for registering the same expired before the passing of this Act. already
expired.

No. 89.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Mechanics and Wage-
Earners' Lien Act.

First Reading, 6th February, 1902.

Mr. LEYS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 89.]

BILL.

[1902.

An Act to amend The Mechanics and Wage-Earners' Lien Act

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 22, of *The Mechanics and Wage Earners' Lien Act* is amended by adding thereto the following subsection. Rev. Stat. c.
153, s. 22,
amended.

(5) In the case of a contract which is under the supervision of an architect, engineer or other person, upon whose certificate payments are to be made, the claim for a lien by a contractor may be registered within the time mentioned in subsection 1 hereof, or within seven days after the said architect, engineer or other person has given his final certificate, or has upon application to him by the contractor, refused to give a final certificate. Registration
of contractors
lien after last
certificate.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Mechanics and Wage-
Earners' Lien Act.

First Reading, 6th February, 1902.

(Reprinted as amended by the Legal
Committee.)

Mr. LEYS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to approve and confirm an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and The Canadian Niagara Power Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement between the Commissioners for the Queen Victoria Niagara Falls Park and the Canadian Niagara Power Company, dated the 19th day of June, one thousand nine hundred and one, a copy of which is contained in the schedule hereto, is hereby approved, ratified and confirmed, and declared to be binding on the parties thereto, and the commissioners and the company respectively may do whatever is necessary to give effect to the substance and intention of the said agreement.

Agreement
with Canadian
Niagara
Power Co.
confirm'd.

2. This Act is passed in fulfilment of the provisions of subsection (e) of paragraph 1 of the said agreement

Act passed in
pursuance of
agreement.

AGREEMENT.

This Agreement made this nineteenth day of June, 1901, between the Commissioners for the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario and hereinafter called the Commissioners of the first part, and the Canadian Niagara Power Company of the second part :

Now these presents witness and subject to approval and ratification by the Legislature of the Province of Ontario at its next session of the provisions hereinafter contained, it is hereby agreed by the parties hereto :

1. That the period of time for the completion of the works specified by paragraph 10 of the Agreement of 7th April, 1892, made by and between the Commissioners for the Queen Victoria Niagara Falls Park, acting therein on their own behalf and with the approval of the Government of the Province of Ontario and thereafter called the Commissioners of the first part, and Albert D. Shaw, of Watertown, in the State of New York, Francis Lynde Stetson and William B. Rankine of the City of New York, in the State of New York, hereinafter called the Company of the second

part, and paragraph 6 of the Agreement of 15th July, 1899, made by and between the parties to these presents, be extended to the first day of July, 1904 :

Provided :

(a) That the company shall satisfy the Commissioner of Public Works for Ontario that before the first day of July, 1902, the company has actually expended within Ontario the sum of \$500,000 in work and materials laid out in excavations, and in the foundations and erection of buildings in accordance with plan A annexed to the afore-mentioned agreement of 15 July, 1899, and the specifications relating thereto : and provided that the said Commissioner of Public Works may allow the machinery and plant then on the ground according to its value as the said Commissioner of Public Works may determine as part of the said sum of \$500,000 to be actually expended as aforesaid :

(b) And provided further, that the company shall satisfy the said Commissioner of Public Works for Ontario that before the first day of July, 1903, the company has actually expended within Ontario, as aforesaid, a further sum of \$1,000,000, the value to be determined by the said Commissioner of Public Works of any materials, plant or machinery then actually contracted for, by and in process of construction for the company, and to be brought within Ontario and placed in position on the ground, according to the plans and specifications governing the company's works, to be taken as moneys actually expended within Ontario within the meaning of this paragraph ; such sum of \$1,000,000 to be additional to the above-mentioned sum of \$500,000, to be actually expended as aforesaid before the first day of July, 1902.

And it is also agreed that the amounts actually expended by the company within the said several respective periods, shall be determined by the Commissioner of Public Works for Ontario, whose decision shall be final, and that the company shall furnish to such commissioner all such information as he shall require in the premises for the purpose of making such determination :

And should the company for any reason refuse or neglect to furnish such commissioner such information as aforesaid, the commissioner may proceed to make such determination on any ground he may think proper :

(c) Provided further, that if the company shall make default under any or either of the next preceding two paragraphs hereof, or in the event of the company not having made such progress with the said works on or before the first day of July, 1904, as to have on or before that date completed water connections for the development of 50,000 horse-power, and to have on or before that date an outflow tunnel sufficient for not less than 100,000 horse-power, and to have on or before that date actually ready for use, supply and transmission 20,000 electrical horse-power, the Lieutenant-Governor in Council may declare the agreements of the 7th April, 1892, and of 15th July, 1899, and the liberties, licenses, powers and authorities granted by the same, and by any or all of them, to be forfeited and void, and thenceforth after such declaration the same shall cease and determine, and be utterly void and of no effect whatever.

(d) And provided further, that the company at the time of the sealing and delivery of these presents, deposits the sum of twenty thousand dollars to the credit and in the names of the Chairman of the Commissioners of the Queen Victoria Niagara Falls Park, and Wallace Nesbitt, to be accompanied by a letter addressed to the bank and signed by the said persons, to the effect that the said sum of money is to be paid by the bank to the commissioners on the production of a letter or certificate, signed by the Commissioner of Public Works for Ontario, of a determination by him, the said commissioner, that the sum of \$500,000 was not actually expended by the company on or before the first day of July, 1902, in work and materials laid out in excavations, and in the foundations and erection of buildings in accordance with the Plan A annexed to the aforesaid agreement of 15th July, 1899, and the specifications relating thereto :

Provided that unless such letter or certificate to the effect aforesaid be signed and presented to the said bank on or before the first day of September, 1902, the said sum of \$20,000 shall revert to the company ;

And provided further, that upon the said letter or certificate being signed by the Commissioner of Public Works to the effect aforesaid on or after the first day of July, 1902, the said sum shall become the property of the commissioners, the parties hereto of the first part, freed from any claim thereto by the company.

(e) And it is hereby further agreed by and between the parties hereto, that they will use their best endeavours to procure, and either part hereto may apply to the legislature of Ontario at its next session, for an Act of the legislature to approve and confirm this agreement, and declaring it to be in accordance with the intentions of both parties that any payments of rent made to and accepted and received by the commissioners after 1st July, 1902, and any variations made by this agreement in the terms and provisions of the said agreements of 7th April, 1892, and of 15th July, 1899, shall in no way by any waiver of the right of the Lieutenant-Governor-in-Council to declare the said agreements to be void in accordance with the provisions in paragraph 10, of the agreement of 7th April, 1892, or of paragraph 6 of the agreement of 15th July, 1899, in case of default by the company hereunder, in the event or events provided by paragraph (c) hereof.

Provided always, that in the event of such legislation not being obtained at the said next session of the Legislature of Ontario, approving and affirming this Agreement, then these presents shall, in so far as the same purport to extend the time within which, under the Agreements of 7th April, 1892, and 15th July, 1899, the company was bound to complete the said works, be utterly null and void. and the said company shall be and remain subject to the powers of the Lieutenant-Governor in Council to declare the Agreement of 7th April, 1892, as varied by the Agreement of 15th July, 1899, and the said last-mentioned Agreement forfeited and void by reason of non-compliance therewith by the company as if this agreement had not been made or entered into, and notwithstanding any act, matter, or thing whatever, which may have happened or been done under or in pursuance of this Agreement.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first above written.

J. W. LANGMUIR,
Chairman.

{ The Corporate Seal of the
Commissioners for the
Queen Victoria Niagara
Falls Park.

For the Canadian Niagara
Power Company,
W. H. BEATTY,
President.

{ The Corporate Seal of the
Canadian Niagara Power
Company.

A. MONRO GRIER,
Secretary.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to approve and confirm an Agreement between the Commissioners for the Queen Victoria Niagara Falls Park and The Canadian Niagara Power Company.

First Reading, 13th January, 1902.

Mr. ROSS.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to Provide for the Revision of the Statute Law.

WHEREAS the various enactments mentioned in the Preamble.
 schedule to this Act are spent or have ceased to have
 force, otherwise than by express and specific repeal, or have
 by lapse of time and change of circumstances become unneces-
 5 sary, or the subject matter thereof is sufficiently provided for
 by other enactments, or for other reasons it is desirable that
 the same should be repealed;

Therefore His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 10 as follows :—

1. This Act may be cited as the *Statute Law Revision Act*, Short title.
 1902.

2. The enactments described in the schedule to this Act are Repeal of
 hereby repealed, but as regards the Imperial statutes if, and, enactments
 15 so far only as, the same are in force, and within the legislative in schedule.
 authority, of this Province.

3 Clause (a) of section 3, of *The Devolution of Estates Act* R.S.O. c. 127
 (R.S.O. c. 127) is repealed and the following substituted there- s. 3 (a)
 for: amended.

20 “(a) To all estates of inheritance in fee simple, and all
 estates held by the deceased for the life of another, in any
 tenements or hereditaments in Ontario whether corporeal or
 incorporeal.”

Note.—The necessity for the amendment of R.S.O. c. 127, s. 3,
 25 arises from the fact that by the Statute of Frauds 29 Car. 2, c. 3,
 s. 12, estates *pur autre vie* were devisable, but if not devised,
 and there was no special occupant, they passed to the personal
 representative, and by 14 Geo. 2, c. 20, estates *pur autre vie*
 so passing to the personal representative were made distribut-
 30 able as personal estate upon an intestacy.

The Wills Act (R.S.O. c. 128, see Sched.) which follows the
 English Wills Act, in that respect, repeals both of the above
 enactments.

Under R.S.O. c. 127, s. 3, as it now stands, estates *pur autre*
 35 *vie* where there is a special occupant pass to the personal
 representative in case of intestacy, but where there is no
 special occupant under R.S.O. c. 127, ss. 22, 31, such estates

would descend directly to the heir and not to the personal representative, an anomaly which should be corrected. (See Armour, Real Property, p. 274.)

Lands which vest in beneficiary under R.S.O. c. 127, s. 13, to remain liable to debts.

Beneficiary to be personally liable for debts of deceased to extent of estate.

4. The lands of a deceased person which shall become vested in his heir, or devisee under the thirteenth section of *The Devolution of Estates Act* shall continue to be liable to answer the debts of such deceased person as they would be if vested in the personal representative of the deceased, and in the event of a *bonâ fide* sale thereof for value, by such heir, or devisee he shall be personally liable for the debts due to the creditors of such deceased person to the extent of the proceeds of such lands, and in case the sale shall not have been *bonâ fide*, then to the extent of the actual value of the said lands.

Bona fide purchaser from beneficiary without notice of debts, protected.

Re Cary and Lott (1901) 2 Ch. 468.

5. Any *bonâ fide* purchaser for value of any lands of any deceased person which have become vested in his heir, or devisee as aforesaid, without notice of the claims of any unpaid creditors of the deceased person, through whom such heir, or devisee, shall claim, shall be entitled to hold such lands freed and discharged from the claims of such creditors.

Proposed substitute for 3 W. and M., c. 14.

Property over which deceased exercised general powers of appointment to be assets for payment of his debts.

Fleming v. Buchanan, 3 D. G. McN. s. 20.) & G. 976.

6. Property, real and personal, over which a deceased person has a general power of appointment which he may exercise for his own benefit without the assent of any other person, shall be assets for the payment of his debts, where the same is appointed by his will; and, under an execution against the personal representatives of such deceased person, such assets may be seized and sold, after the deceased person's own property has been exhausted. (See 3 W. & M. c. 14.) (See R.S.O. vol. 3, p. 3871,

Proposed substitute for 4 and 5 Anne, c. 3 (or c. 16 in Ruffhead's Ed.) s. 21.

WARRANTIES ABOLISHED.

Warranties abolished.

7. Lineal and collateral warranties at common law with all their incidents are abolished; but the liability of the executors, or administrators, or devisees, of any person who shall have made any covenant, is unaffected by this section. (See 4 & 5 Anne, c. 3, (or c. 16 in Ruffhead's Ed.) s. 21.) (See R.S.O. vol. 3, p. 3827, s. 11.)

Proposed amendment of 9 Anne, c. 19 (or c. 14 in Ruffhead's Ed.).

Security given for money, etc., won by gaming or for

8. The statute passed in the ninth year of the reign of Her late Majesty Queen Anne intituled *An Act for the better preventing of excessive and deceitful gaming* is hereby amended

so far as the same has been incorporated into the law of this Province by striking out the first section thereof and by substituting therefor the following: "All notes, bills, bonds, judgments, mortgages, or other securities, or conveyances whatsoever given, granted, drawn, or entered into, or executed, by any person, where the whole, or any part of, the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming, or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, or for the reimbursing or repaying any money knowingly lent or advanced for such gaming, or betting, as aforesaid, or lent, or advanced, at the time and place of such play, to any person so gaming, or betting, as aforesaid, or that shall, during such play, so play, or bet, shall be deemed to have been made, drawn, accepted, given, or executed, for an illegal consideration." (See R.S.O. vol. 3, p. 3822, s. 1.)

repayment of money lent for gaming illegal.

Imp. St. 9 Anne, c. 19 (or c. 14) s. 1, and 5 & 6 W. 4, c. 41, s. 1.

9. In case any person shall make, draw, give, or execute any note, bill, or mortgage for any consideration on account of which the same is by the said statute of Her late Majesty Queen Anne as amended by this Act declared to be illegal and such person shall actually pay to any indorsee holder, or assignee, of such note, bill, or mortgage, the amount of the money thereby secured, or any part thereof, such money so paid shall be deemed and taken to have been paid for, and on account of, the person to whom such note, bill, or mortgage, was originally given upon such illegal consideration as aforesaid, and shall be deemed and taken to be a debt due, and owing, from such last named person to the person who shall so have paid such money, and shall accordingly be recoverable by action (See R.S.O. vol. 3, p. 3822, s. 2.)

Money paid to the holder of such securities shall be deemed to be paid on account of the person to whom the same was originally given.

Imp. St. 5 & 6 W. 4, c. 41, s. 2.

Proposed substitute for 9 Anne, c. 25 (or c. 20 in Ruffhead's Ed.), ss. 1, 2, 3.

35

MANDAMUS.

10.—(1) For rule 1085 of the Supreme Court of Judicature for Ontario the following provision is substituted:

"1085. Where an order of mandamus shall be issued, the person required to make a return thereto shall, on being duly served therewith, make his return thereto as thereby required, on pain of being proceeded against for contempt of Court." (See 9 Anne, c. 25 (or c. 20 in Ruffhead's Ed.), s. 1.)

Mandamus, return to.

(2) Rule 1087 of the said Supreme Court is amended by adding thereto the following sub-sections:

45 "2. Where the person to whom an order of mandamus is directed shall be found by the Court or a Judge to have made a false or insufficient return thereto, the Court or a Judge may order the person making such false or insufficient return to

False return.

pay to the party prosecuting such order any damages occasioned by such false or insufficient return, to be assessed by such Court or Judge, or otherwise as may be directed. (See 9 Anne, c. 25 (or c. 20 in Ruffhead's Ed.), s. 2.)

Damages for false return.

3. In case damages are awarded under this Rule, the person against whom the same are awarded shall not be liable to be sued in any other action for the making of such return. (See 9 Anne, c. 25 (or c. 20 in Ruffhead's Ed.), s. 3.) (See R.S.O. vol. 3, p. 3811, s. 30.)

(Substitute for 9 Anne, c. 25 (or c. 20 in Ruffhead's Ed.), ss 4, 5.)

QUO WARRANTO PROCEEDINGS.

Quo warranto, writ of, super-seded in certain cases, — proceedings in lieu of.

11. Except in the cases mentioned in sections 15 and 16 of this Act all proceedings against any person who unlawfully claims, or usurps, or is alleged unlawfully to claim, or to usurp, any office, franchise, or liberty, or who has forfeited, or is alleged to have forfeited any franchise, by reason of non-user, or mis-user, thereof which have heretofore been instituted or taken by writ or *quo warranto*, or by information in the nature of a writ of *quo warranto*, hereafter shall be instituted and taken, where the proceeding is by the Attorney-General ex officio, without a relator, by notice of motion; and, where the proceeding is taken at the instance of some person as relator, by order *nisi*, calling on the person against whom the proceeding is taken to show cause why he unlawfully exercises, or usurps, such office, franchise, or liberty.

Motion, or order *nisi*.

Where relator named, proceedings how framed.

12. Where the proceeding is at the instance of a relator it shall be taken in the name of His Majesty on the relation of such person, and such person shall, before making the application for an order *nisi*, give security for the due and effectual prosecution thereof, in like manner as nearly as may be and in the like amount as is, according to the practice of the High Court of Justice, required to be given on an application to the said Court to quash a conviction or order made by a Justice of the Peace, or in such manner and amount as the said Court may direct.

Relator to give security.

Issue may be directed, or injunction, etc., granted.

13. The Court may, if in its discretion it seems meet direct an issue for the trial of the matters in question on any such application, and may grant an injunction, or a mandatory order, in aid of the proceedings, or for the purpose of enforcing the judgment or order which shall be pronounced hereon.

Practice, and appeals.

14. The practice and procedure, including the right of appeal, shall be, in all other respects, in accordance with the ordinary practice and procedure of the High Court of Justice.

Municipal and school officers.

15. Where it is intended to call in question the right of any person claiming to be a Municipal officer, or an officer of a

School Corporation, to the office which he claims to hold, exercise, or occupy, as such officer, or the right of a member of any School Board, or School Corporation, to have, hold, or enjoy, any office, either as a member of such Board, or Corporation, or otherwise under the School Laws of this Province, and the provisions of section 16 of this Act do not apply to the trial and determination of such question, the matter shall be tried and determined by the Judge of the County Court of the County in which the duties of the office are to be performed, in a summary manner, and the proceedings shall be the same, as nearly as may be, as those provided for trying and determining a complaint respecting the validity or mode of conducting the elections of school trustees in an urban municipality, excepting that such Judge shall have the same power to award costs, in his discretion, to either party to the proceedings as he would have if the same were a proceeding in the County Court.

16. Nothing in the five preceding sections contained shall apply to, or affect, the proceedings in cases for which special provision is made by the Municipal or School laws of this Province, but in all such cases the proceedings shall be instituted and taken in the manner provided by the said Acts, and not otherwise. (See R.S.O. vol. 3, pp. 3811-12, ss. 31-36.)

Where other special statutory provision, this Act not to apply.

(Proposed substitute for "Nullum Tempus Act." 9 Geo. 3, c. 16.)

LIMITATION OF ACTIONS BY THE CROWN.

17. No entry, distress, or action, information, or other proceeding, shall hereafter be made, filed, or brought, on behalf of His Majesty, against any person for the recovery of, or respecting, any lands, tenements or hereditaments, or for or concerning any revenues, rents, issues or profits thereof, but within sixty years next after the right to make such entry, distress, or make, bring, or file, such action, information, or proceeding, shall have first accrued to His Majesty.

No entry by Crown after sixty years from time right accrued.

18. In the construction of this Act, the right to make an entry or distress, or bring, or file, or commence, an action, information, or other proceeding, shall be deemed to have first accrued as hereinafter mentioned.

When right of entry to be deemed to have first accrued.

(i) Where land or rent is claimed, if His Majesty shall have been in possession or in receipt of such land or rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession, or discontinuance of possession, or at the last time when such rents or profits were received.

Land or rent.

Reversion or
remainder.

(ii) When the estate or interest claimed by His Majesty shall have been an estate or interest in reversion, or remainder, or other future estate or interest, and His Majesty shall not have obtained possession, or receipt of the profits, of such land, or the receipt, of such rent, such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession. 5

Forfeiture.

(iii) When any right to make an entry, or distress, or to bring, file, or commence, an action, information, or other proceeding, to recover any land, or rent, by reason of any forfeiture or condition, shall have first accrued in respect of any estate or interest to which His Majesty is entitled in reversion, or remainder, and the land, or rent, shall not have been recovered by virtue of such right, the right to make an entry or distress, or bring an action to recover such land, or rent, by His Majesty, shall be deemed to have first accrued in respect of such estate or interest at the time when the same became an estate or interest in possession, as if no such forfeiture or breach of condition had happened. 10 15

Where acknowledgment is given.

(iv) When any acknowledgment in writing of the title of His Majesty to any land, rent, revenues, rents, issues or profits, shall have been given to him or his agent, signed by the person in possession of, or in receipt of, such land, or the rents, issues or profits thereof, or liable to pay such revenue due to His Majesty, the right to make an entry, or distress, or bring, file, or commence, an action, information, or other proceeding, to recover any such land, rent, issues, profits or revenue, as against the person giving such acknowledgment, or any person claiming under him, shall be deemed to have first accrued at, and not before, the time when such acknowledgment, or the last 30 of such acknowledgments, if more than one, was given.

Waste lands excepted.

19. Sections 17 and 18 of this Act shall not apply to any waste lands of the Crown.

Rev. Stat. c. 133.

20. Section 2 of *The Real Property Limitations Act* shall extend to sections 17 and 18 as far as applicable. (See R.S.O 35 vol. 3, pp. 3814-5, ss. 41-44.)

CROWN DEBTS.

Debts due to Crown or to Crown debtors recoverable by like process as between subjects.

21. Revised Statute of Ontario, Chapter 113, is hereby amended by adding thereto the following section.

"5. (1) All debts due to the Crown, or to Crown debtors, shall be recoverable by the like process, remedies, and proceedings, as debts between one subject and another (not being a Crown debtor) are recoverable and no other. 40

Extent abolished.

(2) Writs of extent, and writs of extent in aid, and all other prerogative process for the recovery of debts due to the Crown, 45 or to Crown debtors, are hereby abolished.

(3) All statutes inconsistent with the provisions of this section are repealed."

SALE OF GOODS DISTRAINED.

22. The first section of the Statute passed in the 2nd year
5 of the reign of their late Majesties King William and Queen
Mary, 2nd session, chapter five, is repealed as far as the same
is operative in this Province and the following substituted
therefor: "Where any goods or chattels shall be distrained for
any rent reserved and due upon any demise, lease, or contract
10 whatsoever, and the tenant, or owner of the goods so dis-
trained, shall not, within five days next after such distress
taken and notice thereof (with the cause of such taking) left
at the dwelling house, or other most notorious place on the
premises charged with the rent distrained for, replevy the
15 same, with sufficient security to be given to the sheriff accord-
ing to law, then, in such case, after such distress and notice as
aforesaid, and expiration of the said five days, the person dis-
training shall cause the goods and chattels so distrained to be
appraised by two appraisers, who shall first be sworn before a
20 justice of the peace, or any other officer or person authorized
to administer an oath, to appraise the same truly, according to
the best of their understandings (a memorandum of which
oath is to be indorsed on the inventory), and, after such
appraisement, the person so distraining may lawfully sell the
25 goods and chattels so distrained for the best price which can
be got for the same, towards satisfaction of the rent for which
the said goods and chattels shall be distrained, and of the
charges of such distress, appraisement, and sale, and shall hold
the overplus (if any) for the owner's use, and pay the same
30 over to him on demand." 2 W. & M. Sess. 1, c. 5, s. 1. (See
R.S.O. vol. 3, p. 3894, s. 16.)

Repeal.
33 Hen. 8,
c. 39, A. G. v.
Clarkson, 15
Ont. 632; 16
Ont. App. 209.
Norwich v.
A. G. 2 E. &
A. 541.

Sale of
distress,

not till expira-
tion of five
days, and ap-
praisement.

SCHEDULE.

This schedule, so far as it relates to the Imperial Statutes, is to be read
as referring to the Revised Edition of the Statutes prepared under the
direction of the Imperial statute law committee of the United Kingdom,
as to statutes included in that edition. The chapters of the statutes
(before the division into separate Acts) are described by the marginal
abstracts given in that edition.

- 3 Ed. 1, c. 25—Champerty by the King's officers.
- 3 Ed. 1, c. 26—Extortion by the King's officers.
- 3 Ed. 1, c. 27—Extortion by clerks of justices, etc.
- 3 Ed. 1, c. 28—Maintenance by officers of courts.
- 3 Ed. 1, c. 29—Deceits by pleaders.
- 13 Ed. 1, c. 37—Distress.
- 25 Ed. 1, c. 8—King's debtor.
- 25 Ed. 1, c. 10—Distress.
- 25 Ed. 1, c. 14—Amercements.
- 25 Ed. 1, c. 18—King's debtor.
- 25 Ed. 1, c. 30—Foreign merchants.

- 25 Ed. 1, c. 37—Observance of liberties.
Stat. of Exchequer of uncertain date. Distress, (*See Imp. Rev. Stat.* 1870, p. 125.)
- 1 Ed. 3, st. 2, c. 14—Maintenance.
- 4 Ed. 3, c. 7—Executors.
- 1 Ric. 2, c. 4—Penalties for maintenance.
- 8 Hen. 6, c. 9—Forcible entry.
- 11 Hen. 7, c. 12—An Acte to Admytt such psons as are poore to sue in forma pauperis.
- 23 Hen. 8, c. 15—An Acte that the Defendaunt shall recov. costs ageinste the pleyntif, if the pt be nonsuited, or if the vdicte pass ageinste him.
- 32 Hen. 8, c. 9—Agenst maintenaunce and embracery, byeng of titles, etc.
- R. S. O. c. 224, s. 211, as to pretended titles.
- 32 Hen. 8, c. 39—The Byll for the establishment of the Courte of Surveyors. (Substitute for this. *See* s. 21, of this Act.)
- 31 Eliz., c. 5—An Acte concerninge informers.
- 31 Eliz., c. 11—An Acte for explanacon or declaracon of the statute of, Octova Regis Henrici Sexti concerninge forcible entries and the indictments therupon to be found.
- 21 Jac. 1, c. 15—An Acte to enable judges and justices of the peace to geve restitucon of possession in certayne cases.
- 16 Car. 2, c. 7—An Act against disorderly and excessive gaming.
- 17 Car. 2, c. 7—An Act for more speedy and effectual proceedings upon distresses and avowries for rent.
- 29 Car. 2, c. 7—Better observation of Lord's Day, commonly called Sunday. (*See* R. S. O. 246.)
- 3 W. & M. c. 14—(Property appointed made assets for payment of debts.) (Substitute for this. *See* section 6 of this Act.)
- 4 W. & M. c. 16—An Act to prevent frauds by clandestine mortgages.
- 4 W. & M. c. 18—An Act to prevent malicious informations in the Court of King's Bench.
- 10 W. 3, c. 23 (or c. 17 in other editions)—An Act for suppressing of lotteries.
- 4 & 5 Anne, c. 3 (or c. 16 in other editions), s. 21—(Warranties). (Substitute for this. *See* section 7 of this Act.)
- 8 Anne, c. 18 (or c. 14 in other editions)—(Arrears of rent,—Crown debt), ss. 4, 8.
- 9 Anne, c. 25 (or c. 20 in other editions)—(Mandamus, and Quo warranto), ss. 1, 2, 3, 4, 5. (Substitute for this. *See* sections 10-16 of this Act.)
- 8 Geo. 1, c. 2—An Act . . . for suppressing lotteries, denominated sales, and other private lotteries.
- 6 Geo. 2, c. 35—An Act . . . for enforcing the laws made against lotteries.
- 11 Geo. 2, c. 19, ss. 14, 15, 16, 17, 21, 22, 23. (Landlord and tenant.)
- 12 Geo. 2, c. 28—An Act for the more effectual preventing of excessive and deceitful gaming
- 13 Geo. 2, c. 19—An Act . . . for amending an Act made in the last session of Parliament intituled an "Act for the more effectual preventing of excessive and deceitful gaming." Sections 1, 2, 4, 6, 7, 9.
- 18 Geo. 2, c. 34—An Act to explain, amend and make more effectual the laws in being to prevent excessive and deceitful gambling; and to restrain and prevent the excessive increase of horse races.
- 19 Geo. 2, c. 37, s. 7—(Insurance action, payment into court.)
- 26 Geo. 2, c. 33—(Clandestine marriages.) Sections 8, 11. *See* R. S. O. c. 162, ss. 15, 16.
- 9 Geo. 3, c. 16—(Nullum Tempus Act.) (Substitute for this. *See* sections 17-20 of this Act.)
- 17 Geo. 3, c. 26—(Annuities.)
- 27 Geo. 3, c. 1—An Act to render more effectual the laws now in being for suppressing unlawful lotteries.
- 38 Geo. 3, c. 87, ss. 1, 2, 3, 4 and 5. (Administration of assets where executor out of the country.)

57 Geo. 3, c. 117—(Crown debts extent in aid.) (Substitute for this. See section 21 of this Act.)

Note.—The Imperial Statutes mentioned in this Schedule would, irrespective of this Act, be in effect repealed by virtue of the proposed *Act respecting the Imperial Statutes*, s. 4, on its becoming a law ; but it was deemed advisable that the attention of the Legislature should be called to the effect of the consolidation of the Imperial Statutes, so far as the Acts in this Schedule are concerned.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to Provide for the Revision of the
Statute Law.

First Reading, 13th January, 1902.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Mortmain and the disposition of
Land for Charitable Uses.

Mortmain and Charitable Uses.

NOTE.—This Act is based on the Imperial Acts, 51 & 52 V., c. 42 and 54 & 55 V., c. 73. The First Part of this Act is a substitution or consolidation of

- 5 7 Ed. 1 (De Viris Religiosis). See ss. 2, 3, 4.
 13 Ed. 1, c. 32.
 18 Ed. 3, st. 3, c. 3.
 15 Ric. 2, c. 5.
 27 Hen. 8, c. 10.
 10 7-8 W. 3, c. 37.

The Second Part is a consolidation of, or substitute for 9 Geo. 2, c. 36, and the definition of Charities found in 43 Eliz. c. 4.

- 15 **H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Mortmain, and Charitable Uses Act, 1902*," and shall be read as part of *The Mortmain and Charitable Uses Act*.

Short title.

Rev. Stat.
c. 112.

- 20 2. In this Act, unless the context otherwise requires,

Definitions.

- (1) "Assurance," includes a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, incumbrance, devise, bequest, and every other assurance by deed, will or other instrument; and "Assure" and "Assuror" have meanings corresponding with assurance.

(2) "Will" includes codicil.

"Will."

- (3) "Land" includes tenements, and hereditaments, corporeal and incorporeal of whatever tenure, but not money secured on land, or other personal estate arising from, or connected with, land.

"Land."

(4) "Full and valuable consideration" includes such a consideration either actually paid upon or before the making of the assurance, or reserved or made payable to the vendor or any other person by way of rent, rent charge, or other annual

"Full and valuable consideration."
Imp. Acts 51-
52 Vict. c. 42.

s. 10 ; and 54- payment, in perpetuity, or for any term of years, or other
55 Vict. c. 73, period, with or without a right of re-entry for non-payment
s. 3. thereof, or partly paid, and partly reserved, as aforesaid.

PART I.

MORTMAIN.

5

Forfeiture on
unlawful
assurance or
acquisition in
mortmain.
Imp. Act 51-
52 Vict. c. 42,
s. 1.

3. Land shall not be assured to or for the benefit of, or
acquired by or on behalf of any corporation in mortmain,
otherwise than under the authority of a licence from His
Majesty the King, or of a statute for the time being in force,
and if any land is so assured, otherwise than as aforesaid, the 10
land shall be forfeited to His Majesty from the date of the
assurance, and His Majesty may enter on and hold the land
accordingly.

Power to
Lieutenant
Governor
to grant
licences in
Mortmain.
Imp. Act 51-
52 Vict. c. 42,
s. 2.

4. It shall be lawful for the Lieutenant Governor in
Council, if and when, and in such form as, he thinks fit, to 15
grant to any person or corporation a licence to assure in
mortmain land in Ontario in perpetuity or otherwise, and to
grant to any corporation a licence to acquire land in Ontario
in mortmain, and to hold such land in perpetuity or otherwise

Saving for
rents and
services.
Imp. Act 51-
52 Vict. c. 42,
s. 3.

5. No entry or holding by, or forfeiture to, His Majesty 20
under this part of this Act, shall merge or extinguish, or other-
wise affect, any rent or service which may be due in respect of
any land to His Majesty, or any other lord thereof.

PART II.

CHARITABLE USES.

25

Charities,
definition of.

Imp. Act 51-
52 Vict. c. 42,
s. 13 (2).

6. The following shall be deemed to be valid charitable
uses within the meaning of this Act, viz.: the relief of aged,
impotent, and poor people; the maintenance of sick and maimed
soldiers and mariners; the maintenance of schools of learning,
free schools, and scholars in universities; the repair of bridges, 30
ports, havens, causeways, churches, sea banks, and highways;
the education and preferment of orphans; the relief, stock, or
maintenance of houses of correction; provision for the mar-
riages of poor maids; the support, aid and help of young
tradesmen, handicraftsmen and persons in poor circumstances; 35
the relief, or redemption, of prisoners or captives; and the
aid or ease of any poor inhabitants, concerning payment of
taxes; and any other purposes similar to those hereinbefore
mentioned. 43 Eliz. c. 4, s. 1.

Conditions
under which
assurances
may be made
to charitable
uses.

7.—(1) Subject to the provisions of the Revised Statutes 40
Chapter 112 and to the savings and exceptions contained in
this Act, or any other Act of this Province, in force for the time
being, every assurance of land to, or for the benefit of, any
charitable uses, and every assurance of personal estate to be
laid out in the purchase of land, to, or for the benefit of, any 45

charitable uses, shall be made in accordance with the requirements of this Act, and unless so made shall be void.

(2) The assurance must be made to take effect in possession for the charitable uses to, or for the benefit of, which it is made, immediately from the making thereof.

(3) The assurance must, except as provided by this section, be without any power of revocation, reservation, condition, or provision, for the benefit of the assurator, or of any person claiming under him.

10 (4) Provided that the assurance, or any instrument forming part of the same transaction, may contain all or any of the following provisions so, however, that they reserve the same benefits to persons claiming under the assurator, as to the assurator himself ; namely,

15 (i) The grant or reservation of a peppercorn, or other nominal rent.

(ii) The grant or reservation of mines, or minerals.

(iii) The grant or reservation of any easement.

02 (iv) Covenants or provisions as to the erection, repair, position, or description, of buildings, the formation or repair, of streets or roads, drainage, or nuisances, and covenants or provisions of the like nature for the use and enjoyment as well of the land comprised in the assurance as of any other adjacent or neighboring land.

25 (v) A right of entry on non-payment of any such rent, or on breach of any such covenant, or provision.

(vi) Any stipulations of the like nature for the benefit of the assurator, or of any person claiming under him.

30 (5) If the assurance is made in good faith on a sale for full and valuable consideration, that consideration may consist wholly or partly of a rent, rent charge, or other annual payment, reserved or made payable to the vendor, or any other person, with, or without, a right of re-entry for non-payment thereof.

Consideration, what it may consist of.

(6) If the assurance is of land, or of personal estate, not being stock in the public funds, then, unless it is made in good faith for full and valuable consideration, it must be made at least six months before the death of the assurator, including in those six months the days of the making of the assurance and of the death.

Where necessary to be made 6 months before death of grantor.

(7) If the assurance is of stock in the public funds, then, unless it is made in good faith for full and valuable consideration, it must be made by transfer thereof in the public books kept for the transfer of stock at least six months before the death of the assurator, including in those six months the days of the transfer and of the death.

Transfer of stock, when to be made. Imp. Act, 51-52 V. c. 42, s. 4.

PART III.

EXEMPTIONS.

Assurances
for a public
park, school
or museum.

8.—(1) Provided always that notwithstanding anything in Parts I. and II. of this Act contained to the contrary, lands or personal estate to be laid out in the purchase of lands, may be assured to the extent, and for all or any of the purposes following, viz. :—

(a) For a park.

(b) For a public museum.

(c) For a school, or school house.

10

Assurance for
value not sub-
ject to any
restriction.

(i) If such assurance be by deed, and be made in good faith for full and valuable consideration, the same may be made free from any restriction imposed by this Act.

Voluntary
assurances.

(ii) If such assurance be not made for full and valuable consideration it must be made at least six months before the death of the assurator, but in the case of a will not made six months before the decease of the assurator, it shall suffice if such will be a reproduction in substance of a devise made in a previous will in force at the time of such reproduction, and which was executed not less than six months before the death of the assurator.

15

20

Quantity of
land which
may be con-
veyed by deed,

(iii) The quantity of land which may be assured, or for the purchase of which personal property may be assured, by deed for full and valuable consideration for any of the purposes aforesaid is unlimited.

25

by will,

(iv) The quantity of land which may be assured by will, or for the purchase of which personal estate may be assured by will, is :—

for parks, 20
acres,
museums, 2
acres,
schools, 1 acre.

(a) For any one public park, not more than twenty acres.

(b) For any one public museum, not more than two acres.

30

(c) For any one school, or school house, not more than one acre.

(2) In this section

Definitions,
“ park.”

(i) “ Public park ” includes any park, garden, or other land, dedicated, or to be dedicated, to the recreation of the public ;

35

“ School.”

(ii) “ School ” means a school, or department of a school, at which education is given, in literature, art, science or mathematics ;

“ School-
house.”

(iii) “ School house ” includes the teacher’s dwelling house, the playground (if any), and the offices and premises belonging to, or required for, a school ;

40

“ Public
museum.”

(iv) “ Public museum ” includes buildings used, or to be used, for the preservation of a collection of paint-

ings or other works of art, or of objects of natural history, or of mechanical, or, philosophical, inventions, instruments, models, or designs and dedicated, or to be dedicated, to the recreation of the public, together with any libraries, reading rooms, laboratories, and other offices and premises, used or to be used in connection therewith.

Imp. Act,
51-52 V. c. 42,
s. 6.

9. Section 7 of the Act shall not apply to the following assurances :

Assurances
for certain
universities,
colleges and
societies.

10 (1) An assurance of land, or personal estate to be laid out in the purchase of land, to or in trust for, any incorporated university, college or school in Ontario, or for the support and maintenance of the students thereat.

15 (2) An assurance, otherwise than by will, to trustees on behalf of any society, or body of persons (incorporated or unincorporated) associated together for religious purposes, or for the promotion of education, art, literature, science, or other like purposes, of land not exceeding two acres, for the erection thereon of a building for such purposes, or any of them, or
20 whereon a building used or intended to be used for such purposes, or any of them, has been erected, so that the assurance be made in good faith for full and valuable consideration.

Imp. Act,
51-52 V. c. 42,
s. 7.

PART IV.

SUPPLEMENTAL.

25 10. Any assurance of land, which is by this Act required to be made by deed, may be made by a registered disposition under the provisions of *The Land Titles Act*, or of any Act amending the same.

Adaptation of
law to system
of land registra-
tion.
Rev. Stat.
c. 138.

30 11. Nothing in this Act shall affect the operation or validity of any charter or license in force at the passing of this Act enabling land to be assured or held in mortmain.

Savings for
existing
licenses, etc.

SUMMARY REMEDY FOR BREACH OF CHARITABLE TRUST.

12. In every case of a breach of any trust, or supposed breach of any trust, created for charitable purposes, or when-
35 ever the direction or order of a court shall be deemed necessary for the administration of any trust for charitable purposes, it shall be lawful for any two or more persons to present a petition to the High Court of Justice stating such complaint, and praying such relief as the nature of the case may require ;
40 and it shall be lawful for the said Court to hear such petition in a summary way, and upon affidavits, or such other evidence as shall be produced upon such hearing, to determine the same, and to make such order therein, and with respect to the costs of such applications, as shall seem just ; and any order so made shall be subject to

In cases of
breach of a
charitable
trust, etc., a
petition may
be presented
to the High
Court of Jus-
tice, and the
same shall be
heard in a
summary
way, and order
made therein.

appeal as if made in an action. Imp, Act 52 Geo. 3 c. 101, s. 1.

Petitions to
be signed by
petitioners,
and certified
by Attorney-
General, etc.

13. Provided always that every petition so to be preferred as aforesaid shall be signed by the persons preferring the same in the presence of, and shall be attested by, the solicitor or attorney concerned for such petitioners, and every such petition shall be submitted to, and be allowed by, His Majesty's Attorney-General for the Province, and such allowance shall be certified by him before any such petition shall be presented. Imp. Act 52 Geo, 3 c. 101, s. 2

Repeal.

14. The Acts specified in the schedule to this Act are hereby repealed, to the extent specified in the third column of that schedule.

SCHEDULE.

ACTS REPEALED.

NOTE.—This schedule is to be read as referring to the revised edition of the Imperial Statutes prepared under the direction of the Imperial Statute Law Committee.

The chapters of the statutes (before the division into separate Acts) are described by the marginal abstracts given in that edition.

Session and Chapter.	Title.	Extent of Repeal.
7 Edw. 1	Statut' de viris religiosis	The whole Act.
13 Edw. 1 c. 32	Remedy in case of mortmain under judgments by collusion.	The whole chapter.
18 Edw. 3 St. 3 c. 3.	Prosecutions against religious persons for purchasing lands in mortmain	The whole chapter.
15 Ric. 2 c. 5	St. 7 Edw. 1 de Religiosis, converting land to a churchyard declared to be within that statute. Mortmain, where any is seized of lands to the use of spiritual persons. Mortmain to purchase lands in gilds, fraternities, offices, commodities, or to their use	The whole chapter.
23 Hen. 8 c. 10	An Act for feoffments and assurance of lands and tenements made to the use of any parish church, chapel or such like	The whole Act.
43 Eliz. c. 4	An Act to redress the misemployment of lands, goods and stocks of money heretofore given to charitable uses.	The whole Act.
7 & 8 Will. 3 c. 37.	An Act for the encouragement of charitable gifts and dispositions	The whole Act.
9 Geo. 2 c. 36	An Act to restrain the disposition of lands whereby the same became unalienable . .	The whole Act.
52 Geo. 3 c. 101 . . .	An Act to provide a summary remedy in cases of abuses of trusts created for charitable purposes	The whole Act.
9 Geo. 4 c. 85	An Act for remedying a defect in the titles of land purchased for charitable purposes	The whole Act except as far as it affects ecclesiastical rights of property.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act respecting Mortmain and the dis-
position of Land for Charitable Uses.

First Reading, 13th Jan., 1902.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Marriage Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 19 of *The Marriage Act* is amended by adding
5 thereto the following sub-sections:

Rev. Stat. c.
16, s. 19,
amended.

(3) The memorandum to be printed upon the back or at the
foot of the said printed forms of affidavits shall be as set
forth in Schedule F to this Act.

Table of pro-
hibited de-
grees of con-
sanguinity
and affinity.

(4) The degrees of affinity and consanguinity within which
10 if persons are related, they are by the statute passed in the
28th year of His Majesty King Henry the 8th. chapter 7, sec-
tion 7, as modified by the Statute of the Dominion of Canada,
passed in the 45th year of Her Majesty Queen Victoria,
chapter 42, prohibited from contracting marriage with each
15 other, are set forth in Schedule G. to this Act.

(5) If at any time hereafter any changes shall be made in
the law affecting the degrees of relationship within which
marriage may be lawfully contracted, it shall be lawful for
His Honour the Lieutenant-Governor by Order in Council to
20 direct such changes from time to time to be made in Schedules
F and G so as to make them conformable to the law for the
time being.

2. *The Marriage Act* is further amended by adding thereto
the Schedules set out as Schedules F and G to this Act.

SCHEDULE F.

Degrees of affinity and consanguinity which under the statutes in that
behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother.
2. Grandfather's wife.
3. Wife's grandmother.
4. Aunt.
5. Uncle's wife.

A woman may not marry her

1. Grandfather.
2. Grandmother's husband.
3. Husband's grandfather.
4. Uncle.
5. Aunt's husband.

6. Wife's aunt.	6. Husband's uncle.
7. Mother.	7. Father.
8. Step mother.	8. Step father.
9. Wife's mother.	9. Husband's father.
10. Daughter.	10. Son.
11. Wife's daughter.	11. Husband's Son.
12. Son's wife.	12. Daughter's husband.
13. Sister.	13. Brother.
14. Granddaughter.	14. Grandson.
15. Grandson's wife.	15. Granddaughter's husband.
16. Wife's granddaughter.	16. Husband's grandson.
17. Niece.	17. Nephew.
18. Nephew's wife.	18. Niece's husband.
*19. Wife's niece.	19. Husband's nephew.
20. Brother's wife.	20. Husband's brother.

The relationships set forth in this table include all such relationships whether legitimate or illegitimate.

* By Dominion Act 53 Vict., c. 36, sect. 1, it is enacted that "All laws prohibiting marriage between a man and the daughter of his deceased wife's sister where no law relating to consanguinity is violated, are hereby repealed both as to past and future marriages."

SCHEDULE G.

The son shall not marry the mother or the step mother carnally known by his father; the brother the sister, the father his son's daughter, or his daughter's daughter, nor shall the son marry the daughter of his father procreate and born by his step mother, nor shall the son marry his aunt, being his father's or mother's sister, nor marry his uncle's wife, carnally known by his uncle, nor shall the father marry his son's wife carnally known by his son, nor the brother marry his brother's wife carnally known by his brother; nor shall any man married and carnally knowing his wife marry his wife's daughter nor his wife's son's daughter, nor his wife's daughter's daughter . . . And further if it chance any man shall know carnally any woman that then all and singular persons being in any degree of consanguinity or affinity (as is above mentioned) to any of the parties so carnally offending, shall be deemed and adjudged to be within the cases and limits of the said prohibitions of marriage. (28 Hen. 8, c. 7, s. 7, part as varied by Dominion Act 45 Vict., c. 42; and see 53 Vict., c. 36. (D)).

No. 93

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend the Marriage Act.

First Reading, 13th January, 1902.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend the Marriage Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 19 of *The Marriage Act* is amended by adding thereto the following sub-sections:

(3) The memorandum to be printed upon the back or at the foot of the said printed forms of affidavits shall be as set forth in Schedule F to this Act.

(4) The degrees of affinity and consanguinity within which if persons are related, they are prohibited by God's law from contracting marriage with each other as declared in and by the Statute passed in the 28th year of His Majesty King Henry the 8th, chapter 7, section 7, as modified by the Act of the Parliament of Canada passed in the 45th year of Her Majesty Queen Victoria, chapter 42, are set forth in Schedule G. to this Act.

(5) If at any time hereafter any changes shall be made in the law affecting the degrees of relationship within which marriage may be lawfully contracted, it shall be lawful for His Honour the Lieutenant-Governor by Order in Council to direct such changes from time to time to be made in Schedule F so as to make it conformable to the law for the time being.

2. *The Marriage Act* is further amended by adding thereto the Schedules set out as Schedules F and G to this Act.

SCHEDULE F.

Degrees of affinity and consanguinity which under the statutes in that behalf, bar the lawful solemnization of marriage.

A man may not marry his

1. Grandmother.
2. Grandfather's wife.
3. Wife's grandmother.
4. Aunt.
5. Uncle's wife.

A woman may not marry her

1. Grandfather.
2. Grandmother's husband.
3. Husband's grandfather.
4. Uncle.
5. Aunt's husband.*

- | | |
|---------------------------|------------------------------|
| 6. Wife's aunt. | 6. Husband's uncle. |
| 7. Mother. | 7. Father. |
| 8. Step mother. | 8. Step father. |
| 9. Wife's mother. | 9. Husband's father. |
| 10. Daughter. | 10. Son. |
| 11. Wife's daughter. | 11. Husband's Son. |
| 12. Son's wife. | 12. Daughter's husband. |
| 13. Sister. | 13. Brother. |
| 14. Granddaughter. | 14. Grandson. |
| 15. Grandson's wife. | 15. Granddaughter's husband. |
| 16. Wife's granddaughter. | 16. Husband's grandson. |
| 17. Niece. | 17. Nephew. |
| 18. Nephew's wife. | 18. Niece's husband. |
| *19. Wife's niece. | 19. Husband's nephew. |
| 20. Brother's wife. | 20. Husband's brother. |

The relationships set forth in this table include all such relationships ~~and~~ whether by the whole or half blood, ~~and~~ and whether legitimate or illegitimate.

* By Dominion Act 53 Vict., c. 36, sect. 1, it is enacted that "All laws prohibiting marriage between a man and the daughter of his deceased wife's sister where no law relating to consanguinity is violated, are hereby repealed both as to past and future marriages."

SCHEDULE (4).

~~and~~ And furthermore since many inconveniences have fallen as well within this Realm as others by reason of man rying within the degrees of marriage prohibited by God's law, that is to say: ~~that~~ The son to marry the mother or the step mother carnally known by his father; the brother the sister, the father his son's daughter, or his daughter's daughter, nor shall the son marry the daughter of his father procreate and born by his step mother, nor shall the son marry his aunt, being his father's or mother's sister, nor marry his uncle's wife, carnally known by his uncle, nor shall the father marry his son's wife carnally known by his son, nor the brother marry his brother's wife carnally known by his brother: nor shall any man married and carnally knowing his wife marry his wife's daughter nor his wife's son's daughter, nor his wife's daughter's daughter And further if it chance any man shall know carnally any woman that then all and singular persons being in any degree of consanguinity or affinity (as is above mentioned) to any of the parties so carnally offending, shall be deemed and adjudged to be within the cases and limits of the said prohibitions of marriage. (28 Hen. 8, c. 7, s. 7, part; and Dominion Act 45 Vict., c. 42; and see 53 Vict., c. 36. (D)).

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Marriage Act.

First Reading, 13th January, 1902.
Second Reading, 21st January, 1902.

Reprinted as amended in Committee of the
Whole.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting the Imperial Statutes relating to property and civil rights incorporated into the Statute Law of Ontario.

WHEREAS under and by virtue of divers acts of the Pro-
 vinces of Upper Canada, Canada, and of this Province, cer-
 tain Imperial Statutes became part of, and were incorporated
 into, the Statute Law of this Province so far as the same were
 5 applicable to the circumstances thereof; and whereas, since the
 incorporation of such Statutes some of the same have become
 obsolete, or have in effect been superseded by subsequent
 legislation; and some of the said Statutes were enacted in Latin,
 or Norman French, or in language which has become antiquated
 10 and obscure; and whereas it is desirable that all such Imperial
 Statutes as relate to property and civil rights should be re-
 vised, classified, and consolidated, as part of the Revised
 Statutes of Ontario; and whereas such revision, classification,
 and consolidation have been made accordingly; and whereas
 15 it is expedient to include in such consolidation certain statutes
 of the present session passed in substitution, or amendment,
 of certain of the said Imperial Statutes:—

Preamble.

Therefore His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 20 as follows:

1. In this Act the words "Imperial Statutes" include
 Statutes made by the Parliament of England, of Great
 Britain, and of the United Kingdom of Great Britain and Ire-
 land.

Interpretation

25 2. The printed roll attested as that of the said Statutes so
 revised, classified, and consolidated, as aforesaid, under the sig-
 nature of His Honour the Lieutenant-Governor and that of
 the Clerk of the Legislative Assembly, and deposited in the
 office of the Clerk of the Legislative Assembly shall be held to
 30 be the original thereof, and to embody the several acts and
 parts of acts mentioned as to be repealed in the Schedule A
 thereto annexed; but the marginal notes thereon, and the
 references to former enactments at the foot of the several sec-
 tions thereof, form no part of the said Statutes, and shall be
 35 held to have been inserted for convenience of reference only,
 and may be omitted or corrected, and any misprint or clerical

Printed roll
 attested by
 Lieutenant-
 Governor, etc.,
 to be deemed
 original.

error in the said roll may also be corrected in the roll hereinafter mentioned.

Incorporation
of Acts passed
at present
session.

3. The Lieutenant-Governor may select such Acts and parts of Acts passed during the present session, as he may deem it advisable to incorporate with the said statutes contained in the said roll and may cause them to be so incorporated therewith, adapting their form and language to those of the said statutes (but without changing their effect) inserting them in their proper places in the said statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections if need be, and adding to the said schedule A a list of the Acts and parts of Acts of the present session so incorporated as aforesaid, and also the Imperial Acts, or parts of Imperial Acts, for which the same shall be substituted. 5 10 15

Roll to be
deposited after
incorporation
of Acts passed
at present
session.

4. So soon as the said incorporation of such Acts and parts of Acts with the said statutes and the said addition to the said Schedule A shall have been completed, the Lieutenant-Governor may cause a correct printed roll thereof attested under his signature and countersigned by the Provincial Secretary to be deposited in the office of the clerk of the Legislative Assembly, which roll shall be held to be the original thereof and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule thereto annexed, and shall be deemed to include and comprise all provisions contained in any Imperial Statute relating to property and civil rights which have heretofore been incorporated into the statute law of this Province, and which at the time of the passing of this Act remained in force except only those referred to in Schedule C to the said consolidated Acts annexed. The marginal notes and references to former enactments shall be held to form no part of the said Statutes but to be inserted for convenience of reference only. 20 25 30

Declaration
bringing Acts
into force.

5. The Lieutenant-Governor in Council after such deposit of the last mentioned roll may by proclamation declare the day on, from, and after, which the same shall come into force and have effect as law by the designation of "The Revised Statutes of Ontario, 1897, volume 3." 35

Effect of pro-
clamation.

6. On, from and after such day the same shall accordingly come into force and effect as law by the designation of "The Revised Statutes of Ontario, 1897, volume 3," to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on, from and after such day, and on, from and after the same day all the enactments in the said several Acts and parts of Acts in Schedule A to the said Roll mentioned as repealed shall stand and be repealed save only as hereinafter is provided. 40 45

7. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
- 8.—(1) The repeal of the said Acts and parts of Acts shall not affect, defeat, disturb, or invalidate:—
- 10 (a) Any penalty, forfeiture or liability incurred before the time of such repeal or any proceedings for enforcing the same had, done, completed, or pending, at the time of such repeal.
- (b) Any action, proceeding, order, judgment, or process, or any other matter whatever respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal.
- 15 (c) Any act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing had, done, made, acquired, established or existing at the time of such repeal.
- (d) Any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal.
- 25 (e) Any marriage certificate, or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal.
- (f) Any other matter or thing whatever had, done, completed, existing, or pending at the time of such repeal.
- (2) But every such
- 30 Penalty, forfeiture and liability and every such Action, proceeding, order, judgment, process, or other matter respecting the same and every such Act, deed, right, title, interest, grant, assurance, descent, will, registry, contract, lien, charge, matter or thing, and every
- 35 such Office, appointment, commission, salary, allowance, security, and duty and every such Marriage certificate, and registry thereof, and every such other matter and thing, and the force and effect thereof respectively,
- 40 may and shall remain and continue as if no such repeal had taken place and as far as necessary may and shall be continued, prosecuted, enforced and proceeded with under the said "Revised Statutes of Ontario, 1897, volume 3," and other
- 45 the statutes and laws having force in Ontario so far as applicable thereto and subject to the provisions of the said several statutes and laws.

Effect of
repeal of
former Acts.

Matter not to
be affected by
repeal.

Penalties,
etc., incurred
before repeal.

Judgments,
actions, etc.

Deeds, grants,
rights, etc.

Officers, com-
missions, etc.

Marriages.

Other
matters.

Saving clause.

(3) This Act shall not affect any principle or rule of law or equity, or established jurisdiction, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may in any manner be affirmed, recognized, or derived by, in, or from, any enactment hereby repealed. 5

(4) This Act shall not revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force in this Province. 10

Effects of consolidation and revising.

9. The said Revised Statutes, shall not be held to operate as new laws but shall be construed and have effect as a consolidation, and as declaratory, of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted. 15

Where revised Acts differ from former law.

10. But if upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes, volume 3, take effect the provisions contained therein shall prevail, and as respects all things anterior to the said time the provisions of the said repealed Acts and parts of Acts, so far as applicable to the circumstances of this Province shall prevail. 20 25

References to Acts Consolidated to refer to corresponding provisions.

11. Any reference in any former Act remaining in force or in any instrument, document or legal proceeding to any Act or enactment so repealed shall after the said Revised Statutes, volume 3, take effect, be held as regards any subsequent transaction, matter or thing to be a reference to the enactments in the said Revised Statutes, having the same effect as such repealed Act or enactment. 30

Effect of inserting Acts in Schedules.

12. The insertion of any Act in the said Schedule A or B shall not be construed as a declaration that such Act or any part of it was, or was not, in force immediately before the coming into force of the said Statutes. 35

Rev. Stat. c. 1 to apply in construing Statutes.

13. *The Interpretation Act* shall apply to the construction of the said Revised Statutes, volume 3, and the statutes comprised in the said volume 3 may be cited and referred to for all purposes in like manner as any other statute contained in the Revised Statutes of Ontario, 1897. 40

Schedule to refer to Revised Imperial Statutes.

14. The Schedules A, B, and C, are to be read as referring to the revised edition of the Imperial Statutes prepared under the direction of the Imperial Statute Law Committee, and the chapters of the statutes passed before the division into separate acts was customary are those indicated by the marginal 45

numbers given in that edition ; and the repeal by this Act of a statute, or part of a statute, set out or referred to in the terms of the translation given in that edition is to operate on the original Latin, or Norman French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

Repeal to
operate on
original
Statutes.

15. Any Acts heretofore passed by the Legislature of this Province, or of the Province of Canada, in force in this Province at the time "The Revised Statutes of Ontario, 1897, volume 3," shall come into force, shall not be deemed to be affected by the Acts contained in the said volume 3, but all of the Acts revised, and consolidated in volume 3, shall be read and construed as being made subject to the provisions of all Acts heretofore passed by the Legislature of this Province, or of the Province of Canada which are in force in this Province at the time the statutes comprised in "The Revised Statutes of Ontario, 1897, volume 3," take effect.

Revised
Statutes to be
subject to the
provisions of
existing
Statute Law.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Imperial Statutes
relating to property and civil rights
incorporated into the Statute Law of
Ontario.

First Reading, 13th January, 1902.

The ATTORNEY GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act to reduce the Expenses of the Administration of Justice.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any statute or 5 rule of court, no sittings of the high court, or of any county or district court, for the trial of actions with or without a jury, and no sittings of any court of oyer and terminer and general goal delivery or general sessions of the peace shall be held, nor shall any grand or petit jurors be summoned for any such 10 courts unless there shall be at least ten days before the date fixed for holding the same some action, matter, prosecution or other civil or criminal proceedings to be heard or tried of which notice has been given as hereinbefore mentioned, or which has been set down or appointed for hearing at such sittings.

Sittings not to be held unless there is business to come before the court.

15 2.—(1) The county or district crown attorney shall give notice in writing to the clerk of assize of the criminal business to be brought before the court at any sittings of a court of oyer and terminer and general goal delivery, and where such county or district attorney is not also clerk of the peace he shall, in 20 the case of a sittings of the general sessions of the peace, give a similar notice to the clerk of the peace for the county or district for which such sittings are to be held.

Notice to be given of criminal business.

(2) The said notices shall be given on the ninth day before the day fixed for holding the sittings of the court to which it 25 relates.

3. Where there is no business to be transacted as aforesaid the clerk of the court, in the case of the county court, or the clerk of the peace, in the case of the court of general sessions of the peace, or the local registrar, deputy 30 registrar or clerk of assize, in the case of the high court sittings, or of any court of oyer and terminer or general gaol delivery, shall give notice to the sheriff that under the provisions of this Act it is unnecessary to summon jurors for such court, and he shall also give notice to the judge appointed to 35 preside in such court that it is unnecessary for him to attend the same, and in such case no further proceedings shall be taken under *The Jurors' Act* for securing the attendance of grand and petit jurors at the sittings of the court, nor shall any fees or disbursements be allowed therefor.

Notice to sheriff that it is unnecessary to summon jurors.

No. 95.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to reduce the Expenses of the
Administration of Justice.

First Reading, 14th January, 1902.

MR. HOYLE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting the Assessment
of Property

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. A Provincial Board of Assessors is hereby created, and
5 shall consist of three resident freeholders of the Province, to
be appointed by the Lieutenant-Governor in Council, within
thirty days of the passing of this Act, one to serve for two
years from and after the thirty-first day of December next
preceding his appointment, one to serve for four years from
10 and after the thirty-first day of December next preceding his
appointment, and one to serve for six years from and
after the thirty-first day of December next preceding his
appointment, and at the expiration of their terms their suc-
cessors shall be appointed in like manner for the term of six
15 years. Whenever a vacancy occurs in such board, otherwise
than by the expiration of the term, such vacancy shall be filled
by the Lieutenant-Governor in Council for the remainder of
the term. Members of the said board shall take and subscribe
to the constitutional oath of office, to be filed with the Pro-
20 vincial Secretary, and shall devote their whole time to the
duties of their office, *and shall each receive an annual salary of
two thousand five hundred dollars and their actual and
necessary expenses incurred in the performance of their
official duties, both to be paid monthly by the Provincial*
25 *Treasurer out of the funds of the Province, upon vouchers
signed by the Provincial Auditor.*

Provincial
board of
assessors
constituted.

2. Such board shall elect a secretary *at a salary not to exceed*
two thousand dollars per annum, who shall hold office during
the pleasure of the board, and shall keep a true record of all
30 its proceedings, in addition to such other duties as may be re-
quired of him by the said board, and shall devote his whole
time to the duties of his office.

Secretary.

In addition to the secretary, the board may employ such
other clerical assistance as may be necessary and required to
35 perform the duties imposed upon it by this Act.

Duties of
board.

3. It shall be the duty of the said board of assessors to value and assess for the purposes of taxation all the property owned or leased and operated in the Province of Ontario by every steam railway company or corporation, every telegraph company or corporation, and every telephone company or corporation, doing business in the Province, at its true cost and value, and also fix the rate of taxation to be paid thereon in the manner hereinafter prescribed. 5

"Property"
meaning of.

4. The term "property" in this Act shall be deemed to include all property, real or personal, belonging to the corporations and companies and subject to taxation under this Act, including right of way, road-bed, stations, rolling stock, bridges, telegraph and telephone poles and wires, instruments, and all other property owned or leased by them and used in carrying on the business of said corporations and companies, and all other real and personal property owned by them, and all franchises, said franchises not to be directly assessed but to be taken into consideration in determining the value of other property. 10 15

Annual return
under oath
from railway,
telegraph and
telephone
companies.

5. Every steam railway company, telegraph company and telephone company referred to in the preceding section, doing business in the Province, shall annually, between the first and thirty-first day of July in each year, under oath of its president, secretary, treasurer, superintendent, or chief officer of such company or corporation, make out and file with the said provincial board of assessors in such form as said board may prescribe, a statement containing the following facts:— 20 25

(1) The name of the company.

(2) The nature of the company whether a person or persons, and under the laws of what province or country incorporated. 30

(3) The location of its head office.

(4) The name and address of the president, secretary, treasurer and general manager or superintendent.

(5) The location of the head office in the Province of Ontario and the name and address of the chief officer in the Province of Ontario. 35

(6) The number of shares of capital stock.

(7) The par value and market value, or if there be no market value the actual value of the shares of stock on the first Monday of June of the year in which the report is made. 40

(8) A detailed statement of the real estate owned or leased by the company in the Province of Ontario, and where situate.

(9) A full and correct inventory of the personal property, including money and credits, owned by the company in the

Province of Ontario on the first Monday of June in the year in which the report is made, where situate and the value thereof.

(10) The total value of real estate owned by the company situate outside the Province of Ontario.

(11) The total value of the personal property of the company situate outside the Province of Ontario.

(12) The total mortgage indebtedness of the company.

6. In addition to the above statements required by the preceding section, every steam railway company shall at the same time and in like manner, furnish the said board of assessors with a statement containing the following facts:— Additional
return by
railways.

(1) The number of miles of track owned or leased and used in the Province of Ontario, showing separately the number of miles of main track, of second track and of side track and a like statement of the mileage outside the province.

(2) The number of acres of land (other than that used for the ordinary right of way for tracks referred to in the preceding sub section) owned or leased in the cities, towns and villages in the Province of Ontario, and a like statement of the lands owned or leased outside the province.

(3) The location and cost of all stations and other buildings used in the carrying on of the company's business showing what material or materials they are principally constructed of, and how long they have been in use.

(4) The number of miles of telegraph or telephone lines owned or leased and operated in the carrying on of the company's business.

(5) The location and capacity of water tanks used by the company.

(6) The number of sleeping or parlor cars, first and second class passenger cars, freight cars of all kinds, locomotives and other rolling stock owned or leased by the company.

(7) The location, material and cost of all railway bridges having one or more spans of twenty feet or more.

7. In addition to the above statements required by section No. 6, every telegraph and telephone company shall at the same time and in like manner furnish the said board of assessors with a statement containing the following facts:— Additional
returns by
telephone and
telegraph Cos.

(1) The number of miles of poles owned or leased and operated by the company.

(2) The number of miles of wire owned or leased and operated by the company, showing the number of miles of copper wire and the number of miles of other wire.

(3) The number of miles of such poles and wires referred to in the two preceding sub-sections as are in the Province of Ontario and outside the province.

(4) The location and number of acres of land, with a description of the buildings and other permanent improvements thereon owned or leased and used by the company in the carrying on of its business. 5

(5) The number and location of offices or exchanges operated by the company in the Province of Ontario and the number of instruments used in or in connection with each of the said offices, also the number of such offices or exchanges and instruments used outside the Province. 10

Assessment of
property by
board.

8. The said board of assessors shall determine and fix the value, for the purposes of taxation, of all the real and personal property of the said persons, companies and corporations liable to assessment under the Act as soon as possible after having received the necessary returns, statements and information, and having so determined and fixed the values as aforesaid shall immediately send by registered mail to the president, secretary or manager of each company assessed under this Act a statement showing the valuation placed on the property of the company for the purposes of taxation. 15 20

Revision of
assessment.

9. Any person or company interested shall have the right to appear before the board of assessors, within thirty days after having received the notice referred to in the next preceding section, and be heard as to the valuation of the property of any company, and said board may, on such application, or on its own motion, correct the assessment or valuation of the property of such company in such manner as will in its judgment, make the valuation thereof just and equal 25 30

Adding property omitted
from assessment.

Proviso.

10. It case it shall appear, or be made to appear, to said board that the property of any person, company or corporation subject to taxation under this Act shall have been omitted, the board shall include the same in the assessment of the company by which such property is owned. Provided that any such additional assessment shall be made in time to allow five days for the review of the same before the date on which the assessment of the property of the company is finally made. The said board of assessors, or any member thereof, or any person or persons appointed by the said board, shall, for the purposes of this Act, have the power to inspect any property, books, papers or other documents belonging to any company or corporation liable to assessment under this Act. 35 40

Return by
municipal
clerks.

11. It shall be the duty of the clerk of every city, town, village and township municipality in the Province of Ontario to furnish the said board of assessors not later than the 1st day of July in each year with a statement containing the following facts: 45

(1) The assessed value of the real and personal property in the municipality and the assessed value of such real and personal property as is exempt from taxation under any by-law of the municipality, for the last preceding municipal year, at the time such statements are made.

(2) The rate of taxation on the dollar for all purposes except bonuses, imposed by the council of the municipality for the municipal year next preceding the time such statement is made.

10 **12.** The said board of assessors shall determine from the returns made to it under the next preceding section the average rate of taxation imposed for all purposes except bonuses, by the municipal councils of the Province of Ontario, and the rate of taxation so determined shall be the rate of taxation to be levied and paid on all property assessed under the provisions of this Act, by the persons, companies or corporations owning, leasing or using such property.

Board to settle rate of taxation

13. The said board of assessors shall within thirty days after having received all the necessary returns and statements referred to in the preceding sections, determine and fix the amount of taxation to be levied, as provided in the preceding sections, and shall immediately notify by registered mail the several persons, companies or corporations owning, leasing, or operating the property assessed under the provisions of this Act to pay the taxes levied thereon to the Provincial Treasurer.

Board to determine amount of taxes.

14. The taxes levied under this Act shall be divided into two equal installments, the first of which shall be payable on the first day of January and the second of which shall be payable on the first day of July next after the date of the notification referred to in the next preceding section.

Taxes, how payable.

15. The taxes so levied against the said persons, companies or corporations shall constitute a lien upon all the properties, real and personal, of the said persons, companies or corporations, which lien may be enforced at the suit of the Province of Ontario in any court of competent jurisdiction.

Taxes to be a lien on property of company.

16. All taxes collected under this Act shall be applied as follows :—

Application of taxes.

(1) In payment of the salaries and other necessary expenses of the said board of assessors as provided in sections one and two of this Act.

(2) After the payment of the charges referred to in the next preceding sub-section the balance shall be divided as follows :—

Fifteen per cent. shall be paid to the Province to be used by the Minister of Education to aid in the equipment and maintenance of technical schools in the Province of Ontario at such places as may be determined by the Legislature and eighty-

five per cent. shall be paid over to the treasurers of the various city, town, village, and township municipalities of the Province pro rata according to the population of the said municipalities by the last preceding Dominion census and to become a part of the general fund of the said municipalities. 5

Exemption
from other
assessments.

17. All property assessed under this Act shall be exempt from all other assessments and taxation under any Acts passed by the Legislature of the Province.

Penalty for
neglecting to
make returns.

18. Any person, company or corporation not making the returns required by the Act shall be liable to a penalty of one hundred dollars per day for each and every day after the expiration of the time such returns or statement are required to be made, and every municipal clerk shall likewise for neglect to make such returns required be liable to a penalty of ten dollars per day. 15

Commence-
ment of Act.

19. This Act shall come into force immediately after the passing thereof.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Act respecting the
Assessment of Property.

First Reading, 15th January, 1902.

Mr. PETTYPIECE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to further amend the Municipal Act

WHEREAS the existing law as at present administered Preamble.

in Ontario is in many instances unreasonably exacting and unjust upon municipal corporations in holding them responsible for damages for alleged non-repair of public roads and highways where they should not properly be liable, and it is expedient to modify such existing law ; and whereas the recently enacted provision requiring such actions to be tried by a judge without a jury has not proved beneficial, juries being better qualified than judges to determine what in the circumstances is a reasonable state of repair, and it is desirable to return to the former practice of trial by jury ; and whereas very many groundless and vexatious actions are of late being brought against municipalities by worthless persons from whom costs cannot be recovered, and it is in the public interest and will be conducive to the ends of justice that some safeguard against such actions should be devised :

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Section 606 of *The Municipal Act* is amended by inserting at the end of the first sub-section thereof the following :—“ But the degree or state of the repair required to protect or exempt municipal corporations from civil responsibility for damages under this section shall be only such a degree or state of repair as in the particular case is reasonable considering the locality and all the surrounding conditions, facts and circumstances. Where the claim for damages arises by reason of non-feasance the corporation shall be responsible only in case of gross negligence. It shall be a good defence to an action for damages under this section to allege and prove that the person who met with the accident knew of the non-repair complained of in time reasonably sufficient before the accident happened to enable him to notify the path-master of the locality or a member of the council of the municipality of such non-repair and failed to give express notice thereof either verbally or in writing to such path-master or a member of said council.”

Rev. Stat.
c. 223, s. 606,
amended.

Reasonable
state of repair.

2. Said section 606 is further amended by adding thereto the following sub-section :—

R. v. stat.
c. 223 s. 606
amended.

Jury to decide as to reasonable repair.

(5) The question of what is reasonable repair shall be a question for the jury ; and section 104 of *The Judicature Act* (requiring actions against municipalities to be tried by a judge without a jury) is hereby repealed.

Rev. stat. c. 223 amended.

3. *The Municipal Act* is further amended by inserting immediately after said section 606 the following section ;— 5

Application for order for services for costs in action for damages for non-repair.

606a. In any action brought to enforce a claim for damages under the last preceding section the defendant corporation may at any time after service upon them of the writ of summons apply in chambers to the local, county or district judge of the county or place in which the accident is alleged to have occurred, and the said judge shall have power (subject to one appeal only) upon its being made to appear to his satisfaction that the plaintiff has not sufficient substance to answer the costs of the action, and that the action is brought in bad faith or without reasonable and probable cause, to order that the plaintiff give security for costs in such manner and amount as to the said judge may seem proper, or make such other or further order or direction regarding the action as he may deem in the interests of justice ; and the said judge may if he thinks fit in order to assist in satisfying himself as to such good faith or reasonable and probable cause appoint some competent independent person to make a personal view and inspection of the place where the accident is alleged to have occurred and report to said judge upon the condition and state of repair. 10 15 20 25

5th Session, 9th Legislature,
2 Edward VII., 1901.

BILL.

An Act to further amend The Municipal
Act.

First Reading, 15th January, 1902.

Mr. BROWER.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to authorize the construction of the Temiscaming and Northern Ontario Railway.

WHEREAS exploration of the Province has shown that in Preamble.
 that district of Ontario which lies between Lake Nipissing and Lake Abitibi and northwesterly from Lake Temiscaming there are large areas of arable land well fitted for
 5 settlement and extensive tracts of merchantable pine and other valuable timber, and deposits of ores and minerals which are likely, upon development, to add greatly to the wealth of the Province; and whereas the said district is now difficult of access from the lack of railway com-
 10 munication; and whereas an increasing number of settlers are taking up lands in portions of the said district; and whereas it is in the public interest that the said district should be, at as early a date as possible, brought into communication with existing lines of railway and that for this pur-
 15 pose a railway should be constructed and operated under the direction and control of the Province from a point at or near the Town of North Bay on Lake Nipissing to a point on Lake Temiscaming, or to a point in one of the townships adjacent thereto.

20 Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Temiscaming and Northern Ontario Railway Act.*" Short Title.

25 **2.**—(1) The Lieutenant-Governor in Council may appoint Appointment and incorporation of commissioners. not less than three nor more than five persons who shall constitute a Board of Commissioners for the purposes of the Railway to be constructed under the provisions of this Act and the said Board of Commissioners shall be a body corporate,
 30 under the name of "The Temiscaming and Northern Ontario Railway Commission," hereinafter referred to as "the Commission;" and a majority of the persons so appointed shall form a quorum for the transaction of any business of the Commission.

35 (2) The commissioners shall hold their respective offices, as Vacancies how filled. members of the Commission during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor

in Council may, upon the death of any such persons respectively, or on their resignation, or removal from office, and from time to time thereafter, appoint other persons to fill their places during pleasure as aforesaid.

Remuneration
of commis-
sioners.

(3) Each commissioner shall receive his actual disburse- 5
ments in discharging his duties and compensation at the rate
of \$ per annum until otherwise provided by the
Legislature. (48 Vic. c. 21, ss. 3 & 4; 50 Vic. c. 13, s. 2 (1) &
(2); 31 Vic. (Dom.) c. 13 s. 3.)

Commission
to construct
railway.

3.—(1) The Commission shall, subject to any direction of 10
the Lieutenant-Governor in Council, have authority to con-
struct a continuous line of railway of the gauge of four feet
eight and one-half inches, extending from a point at or near
the Town of North Bay to a point on Lake Temiscaming or to a
point in one of the townships adjacent thereto, together with an 15
electric telegraph and telephone line through and along the whole
line of the said railway and such branches and works as may
be necessary for the efficient and convenient operation of the
said railway and subject as aforesaid shall have authority to
do all matters and things necessary to carry out the intentions 20
and objects of this Act.

Location of
railway to be
approved by
Lieutenant-
Governor.

(2) The location of the line of the said railway and the plans
of all works proposed and all tariffs or rates proposed to be
charged for passengers and goods transported upon the said
railway and all by-laws of the corporation shall be subject to 25
the approval of the Lieutenant-Governor in Council (50 Vic.
c. 13, s. 9.)

Traffic
arrangements
with railways.

(3) The Commission may subject to the approval of
the Lieutenant-Governor in Council enter into agreements 30
with other railway companies to provide and secure
such reciprocal running powers, traffic arrangements, and
other rights over and in respect of such railways, and
the railway to be constructed under the provisions of this
Act as will afford to any such railways, connecting with
the said railway to be constructed, and to the said last 35
mentioned railway, reasonable and proper facilities in
mutually exercising such running powers, fair and reason-
able traffic arrangements with connecting companies and
equitable mileage rates between the said railway and all such
connecting railways. Provided however that any lease by the 40
Commission of the railway to be constructed under the pro-
visions of this Act shall be subject to ratification by the
Legislature of Ontario. (1 Ed. VII., c. 23, s. 12.)

Right of way
vested in
Commission.

4. The Lieutenant-Governor in Council may by order in
Council transfer to the Commission so much of any of the 45
ungranted lands of Ontario as is shown by the report of the
engineer appointed under the provisions of this Act to be
required for the said railway or for convenient and necessary
sidings, yards, stations and other purposes for use in connection

with the said railway and works; and the registration of a certified copy of any such order-in-council in the Registry Office or Office of Land Titles as the case may be for the Registry District in which the lands are situate shall be deemed to vest and shall vest in the said corporation as trustees for the Province the lands described in such order-in-council.

5.—(1) To meet the cost of the construction, equipment and maintenance of the said railway the Lieutenant-Governor in Council may from time to time out of the ungranted lands of Ontario set apart a tier of townships on each side of and adjoining as far as practicable, the said railway, and other in the said lands district of Nipissing to an extent not exceeding in the aggregate 20,000 acres for each mile of the line of the said railway.

Land grant for railway.

6. A separate and distinct account shall be kept by the Commissioner of Crown Lands of the proceeds of the sale of the said lands and the amount of such proceeds shall at the close of each financial year be paid over to the Provincial Treasurer to be by him applied as hereinafter provided in paying the sinking fund and interest of the debentures issued by the said Commission.

R.S.O. 1897, c. 16.

7.—(1) The Commission may from time to time, subject to the approval of the Lieutenant-Governor in Council, appoint an engineer and an accountant for the said railway and works and such other officers and employees as may be necessary for the proper conduct of the business of the corporation; and subject as aforesaid may prescribe their duties and fix their remuneration.

Commissioners to appoint engineer, etc.

(2) Any person entrusted by the Commission with the custody or control of moneys, by virtue of his employment shall give security in the manner and form provided by *The Act respecting Public Officers*. (50 Vic. c. 13, s. 11 (3).)

8. The Commission, subject to any direction of the Lieutenant-Governor in Council, shall have in respect of the said railway and works in addition to all the powers, rights, remedies and immunities conferred by this Act all the powers, rights, remedies and immunities conferred upon any railway company by *The Railway Act of Ontario*.

Commission to have powers given by the Railway Act.

R.S.O. 1897, c. 207.

9. The said railway shall, as far as practicable, be constructed equipped and operated with railway supplies and rolling stock made, purchased or procurable in Canada, providing such railway supplies can be obtained as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price. (63 Vic. c. 28, s. 3.)

To be built of material made and purchased in Canada.

Employment
of aliens.

10. No person shall be employed in the construction of the said railway and works in contravention of *The Alien Labor Act* or the provisions of *The Railway Act of Ontario* respecting the employment of alien labor.

Payment of
current rates
wages to
workmen.

11. The workmen, labourers or servants employed in or about the construction and operation of the said railway and works shall be paid such rates of wages as may be currently payable to workmen, labourers and servants engaged in similar occupations in the district in which such railway and works are constructed and operated. (63 Vic. c. 28, s. 2.)

Commission
may issue
debentures.

12.—(1) For the purposes and objects intended to be secured by this Act the Commission may by the issue of debentures raise such sum or sums of money as shall be sufficient for the construction, equipment and maintenance of the said railway. The appropriation and application of such moneys shall be assured to the satisfaction of the Lieutenant-Governor.

Form of
debentures.

(2) The debentures shall be under the corporate seal of the Commission and the hands of at least two of the commissioners, and shall be countersigned by the treasurer of the province, and the same shall be in such currency and for such respective amounts payable on the expiration of not more than forty years from the date of issue and at such rate of interest not higher than three and a half per cent. per annum and shall be disposed of at such prices and on such terms as may be determined by the Commission and approved by the Lieutenant-Governor in Council. The interest shall be paid half-yearly on such days as shall be mentioned in the debentures.

Debentures
to be a charge
in lands set
apart.

(3) The debentures shall, equally and without preference of one over another, be a charge on the lands hereby set apart for the construction of the said railway and on all the revenues of the corporation from said lands or otherwise; and the Lieutenant-Governor by Order-in-Council may also guarantee payment of the principal and the interest thereon of the said debentures.

(4) The debentures so issued and countersigned shall be conclusive of the same having been issued in pursuance of this Act and of the same being guaranteed by the Province of Ontario.

How transfer-
able.

(5) The debentures shall be transferable by delivery and the coupons for interest annexed thereto shall also pass by delivery.

Application of
proceeds.

(6) The said debentures or the money raised thereby shall be expended for locating, constructing, equipping, operating, maintaining and improving the said railway; for repaying to the Province any expenses incurred with reference to the said railway; and for the current expenses of the Commission and of the said railway and for payment of interest on the said debentures until a sufficient revenue for the said purposes is obtained from the said railway. (50 Vic. c. 13, s. 7)

13.—(1) The income of the Commission from the said railway and the income from the lands set apart as aforesaid shall be applied as follows :—

1st. To the necessary operating expenses of the said railway and of all works necessary to the preservation, improvement and maintenance of the said railway and to the payment of the remuneration and expenses of the Commission and the salaries of officers and others employed by the Commission and other incidental expenses.

2nd. To the payment half yearly of the interest payable on the debentures issued under the authority of this Act.

3rd. To pay a sinking fund at such rate per cent. per annum on the entire amount of the debentures issued as aforesaid as will discharge the principal of the said debentures at the maturity thereof.

4th. The portion (if any) of the income then remaining shall be paid over by the Commission to the Treasurer of Ontario at such times and in such manner as the Lieutenant-Governor in Council directs and shall thereupon form part of the Consolidated Revenue Fund of the Province. (50 Vic. c. 13, s. 12.)

(2) The annual sums for the sinking funds shall in like manner be paid over by the commissioners to the treasurer for Ontario by half-yearly payments for the investment and accumulation thereof under the direction of the Lieutenant-Governor in Council.

(3) The sinking fund shall be invested in such securities as the Lieutenant-Governor in Council from time to time thinks proper, and shall, whether invested or not, be applied from time to time under the direction of the Lieutenant-Governor in Council in discharging the principal and the interest thereon of the debentures. (50 Vic. c. 13, s. 13.)

14.—(1) The Commission shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid, and of the several purposes for which the same were received and paid ; which books shall at all times be open to the inspection of any member of the Commission, and of the treasurer of Ontario, and of any person appointed by the Commission or treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor ; and any member of the Commission and any of the persons aforesaid may take copies of or extracts from the said books. (50 Vic. c. 13, s. 11 (5).)

(2) The Commission shall make an annual report for the information of the Legislature, setting forth the receipts and expenditure of the year and such other matters as may appear

to them to be of public interest in relation to the said railway and works, or as the Lieutenant-Governor in Council may direct. 50 Vic., c. 13, s. 14.

Rev. Stat.
c. 23, ss. 24,
to 27 to apply.

(3) Sections 24 to 27 of the Act to provide for the better Auditing of the Public Accounts of the Province, shall apply 5
to the accounts of the Commission in respect of receipts
and expenditures (56 Vic. c. 13, s. 15).

Commission-
ers and
officers not to
contract with
commission.

15. No member of the Commission, nor any officer or employee thereof, shall have any contract with the Commission, or shall be pecuniarily interested directly or indirectly in any 10
contract or work in regard to which any portion of the moneys
under the control of the Commission is being or is to be
expended.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to authorize the construction of the
Temiscaming and Northern Ontario
Railway.

First Reading, 15th January, 1902.

Mr. LATCHFORD.

TORONTO

PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty

An Act to amend The Assessment Act.

WHEREAS in the Legislative Assembly of the Province of Ontario at and before the time of enacting section 2 of chapter 29 of 1 Edward VII., the object and intention of the said Assembly in passing said section was publicly declared :
5 and whereas an interpretation has been placed upon such section which is not in accord with such expressed object and intention; and whereas appeals are now pending in the Court of Appeal for Ontario from such interpretation, and it is deemed expedient that the true construction of such section should be
10 enacted and declared before adjudication thereon by such Court;

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said section 2 of chapter 29 of 1 Edward VII., shall
15 be read and have effect as if the following proviso were added at the end of section 18a thereof: "Provided that the said property extending over more than one ward shall be valued for the purposes of assessment as real estate of the incorporated company liable to assessment therefor at the actual value
20 thereof estimated at the cost of reproducing and replacing the same for the purposes for which the same is owned, operated or used and regard being had to the then state of repair and any other circumstance affecting such value."

1 Edw. VII.
c 29, s. 2,
amended.

2. The word "property," when used in this Act shall,
25 amongst other things, include all substructures, superstructures, areas, rails, poles, wires, pipes, mains, conduits, attachments, plant, appliances, instruments, fixtures and other things used therewith, though erected or placed upon, in, over, under or affixed to any highway, road, street, lane or public place or
30 water within the municipality.

"Property,"
what to in-
clude.

3. All parts of *The Assessment Act* that may be deemed inconsistent with this Act are hereby varied to the extent that
is necessary to give full effect to this Act.

Amendment
of inconsistent
enactments.

35 4. This Act shall operate retrospectively.

Act to be re-
trospective.

No. 99.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Assessment Act.

First Reading 15th January, 1902.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Jurors' Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Jurors' Act* is amended by inserting therein as section 27a the following section : Rev. Stat. c. 61, amended.

27a—(1) Notwithstanding anything contained in the *County Courts Act* and the *General Sessions Act* the county selectors of jurors in any county may at their annual meeting by resolution determine that the general sessions of the peace for the county instead of being held at the times fixed by the above mentioned statutes shall be held immediately after the sittings of the High Court in each year for the trial of jury cases and in such cases until such resolution is rescinded the jurors for the High Court and for the inferior courts shall be the same and shall be summoned for such courts at the same time. Summoning same jurors of general sessions and sittings of High Court.

2. In case such resolution as aforesaid is adopted the first selectors of jurors for the county shall thereafter distribute the names of persons selected as jurors under section 26 of *The Jurors Act* into two divisions instead of four, and the clerk of the peace shall make the report as to jurors required by section 43 of the said Act to the Judge of the County Court, and such report shall be dealt with in all respects and the same proceedings *mutatis mutandis* shall be taken in regard thereto and to the jury lists and otherwise as are required to be taken and shall have the same effect as if taken by or before the courts or persons named in this Act under the Act and the said judge shall have power to perform all the duties and make all the enquiries which should or might be made or performed were he presiding at the court of general sessions of the peace and shall for this purpose have all the powers of the court.

(2) Section 97 of *The Jurors Act* is amended by striking out the word "eight" where it appears in the third and tenth lines thereof and by substituting therefore the word "twelve." Rev. Stat. c. 61, s. 97, amended.

3. Section 97 of the said Act is amended by adding thereto the following sub-sections : Rev. Stat. c. 61, s. 97, amended.

Countermand-
ing jury
summonses
where no
business for
jury.

(2) In case it appears that there is no business requiring the attendance of a jury at any sittings of the High Court, or of any County Court, for the trial of actions with a jury, the Deputy Clerk of the Crown, or the Local Registrar or the Clerk of the County Court, as the case may be, at least five clear days before the day appointed for such sitting shall give notice in writing (which may be in Form A in Schedule C to this Act) to the sheriff that there is no such business as aforesaid and that the attendance of jurymen at such sittings is not required and a similar notice shall be given to the sheriff by the Clerk of the Peace in the case of a sittings of the High Court for the trial of criminal prosecutions, or in case of the sittings of the General Sessions of the Peace in any county, when it shall appear that the attendance of jurymen at such sittings is not required.

When actions
to be entered
for trial.

(3) Notwithstanding anything contained in any statute or rule of court, actions to be tried by a jury, whether in the High Court or County Court, shall be entered for trial not later than six clear days next before the first day of the sittings.

Notice to be
given to juror.

(4) Subject to the provisions of subsection (7) of this section, the sheriff, upon receipt of such notice or notices as aforesaid, shall forthwith by registered letter or otherwise, as he shall in his discretion deem expedient, notify each person summoned to serve as a jurymen, whether Grand or Petit, at such sittings that his attendance is not required, and in case any person so summoned shall attend after receiving such notice from the sheriff he shall not be entitled to any fees or mileage for such attendance. Such notice may be in Form B in Schedule C to this Act.

Where juror
attends owing
to non-receipt
of notice.

(5) Where after the giving of such notice by the sheriff, a jurymen so summoned attends such sittings and the sheriff is satisfied that the notice was not received prior to such attendance but that the jurymen attended in good faith believing such attendance to be necessary, the sheriff shall allow such jurymen his mileage and fees as heretofore.

Fees of sheriff
for sending
notices.

(6) For sending every notice required by subsection 4 of this section, there shall be paid to the sheriff in the same manner and out of the same funds as the fees for the summoning of jurors the sum of 25 cents, and necessary disbursements paid by him for each jurymen so notified.

Sheriff's
notice not to
be given
unless there
are prisoners
in custody.

(7) In the case of a sittings of the High Court for the trial of criminal prosecutions, or in the case of a sittings of the General Sessions of the Peace in any county, the sheriff shall not give the notice mentioned in subsection (4) to this section unless he is satisfied that there is or are no prisoner or prisoners in the common gaol of the county awaiting trial at such sittings of the High Court or General Sessions of the Peace, as the case may be.

SCHEDULE C.

FORM A.

To the Sheriff of the County of

Take notice that there is no (civil or criminal, *as the case may be*) business requiring the attendance of a jury at the ensuing sittings of the court (*or the court of*) to be holden on the day of next, and that the attendance of jurymen at such sittings is not required.

Dated at this day of 19

Deputy Clerk of the Crown (*or Local Registrar of the High Court, or Clerk of the Peace, as the case may be*) for the County of

FORM B.

To

Take notice that there being no business requiring the attendance of jurymen at the sittings of the court (*or the court of*), to be holden on the day of next, your attendance as a jurymen at such sittings is not required and the summons served upon you for your attendance as such jurymen as aforesaid is hereby cancelled and rescinded.

Further take notice that in case you attend at such sittings after the receipt by you of this notice you will not be entitled to any fees or mileage for such attendance.

This notice is given pursuant to section 97 of *The Jurors' Act*, being chapter 61 of the Revised Statutes of Ontario.

Dated at , this day of , 190

Sheriff of the County of

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Jurors' Act.

First Reading, 16th January, 1902.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Jurors' Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

1. *The Jurors' Act* is amended by inserting therein as section 27a the following section: Rev. Stat. c. 61, amended.

27a — (1) Notwithstanding anything contained in *The County Courts Act* and *The General Sessions Act* the county selectors of jurors in any county may at their annual meeting by resolution determine that the general sessions of the peace for the county instead of being held at the times fixed by the above mentioned statutes shall be held immediately after the sittings of the High Court in each year for the trial of jury cases and in such cases until such resolution is rescinded the jurors for the High Court and for the inferior courts shall be the same and shall be summoned for such courts at the same time. Summoning same jurors of general sessions and sittings of High Court.

(2) In case such resolution as aforesaid is adopted the first selectors of jurors for the county shall thereafter distribute the names of persons selected as jurors under section 26 of *The Jurors Act* into two divisions instead of four, and the clerk of the peace shall make the report as to jurors required by section 43 of the said Act to the Judge of the County Court, and such report shall be dealt with in all respects and the same proceedings *mutatis mutandis* shall be taken in regard thereto and to the jury lists and otherwise as are required to be taken and shall have the same effect as if taken by or before the courts or persons named in this Act under the Act and the said judge shall have power to perform all the duties and make all the enquiries which should or might be made or performed were he presiding at the court of general sessions of the peace and shall for this purpose have all the powers of the court.

2. Section 97 of *The Jurors Act* is amended by striking out the word "eight" where it appears in the third and tenth lines thereof and inserting in lieu thereof the word "twelve." Rev. Stat. c. 61, s. 97, amended.

3. Section 97 of the said Act is amended by adding thereto the following sub-sections: Rev. Stat. c. 61, s. 97, amended.

Countermand-
ing jury
summonses
where no
business for
jury.

(2) In case it appears that there is no business requiring the attendance of a jury at any sittings of the High Court, or of any County Court, for the trial of actions with a jury, the Deputy Clerk of the Crown, or the Local Registrar or the Clerk of the County Court, as the case may be, at least five clear days before the day appointed for such sitting shall give notice in writing (which may be in Form A in Schedule C to this Act) to the sheriff that there is no such business as aforesaid and that the attendance of jurymen at such sittings is not required and a similar notice shall be given to the sheriff by the Clerk of the Peace in the case of a sittings of the High Court for the trial of criminal prosecutions, or in case of the sittings of the General Sessions of the Peace in any county, when it shall appear that the attendance of jurymen at such sittings is not required.

When actions
to be entered
for trial.

(3) Notwithstanding anything contained in any statute or rule of court, actions to be tried by a jury, whether in the High Court or County Court, shall be entered for trial not later than six clear days next before the first day of the sittings.

Notice to be
given to juror.

(4) Subject to the provisions of subsection (7) of this section, the sheriff, upon receipt of such notice or notices as aforesaid, shall forthwith by registered letter or otherwise, as he shall in his discretion deem expedient, notify each person summoned to serve as a jurymen, whether Grand or Petit, at such sittings that his attendance is not required, and in case any person so summoned shall attend after receiving such notice from the sheriff he shall not be entitled to any fees or mileage for such attendance. Such notice may be in Form B in Schedule C to this Act.

Where juror
attends owing
to non-receipt
of notice.


(5) Where after the giving of such notice by the sheriff, a jurymen so summoned attends such sittings and the sheriff is satisfied that the notice was not received prior to such attendance but that the jurymen attended in good faith believing such attendance to be necessary, the sheriff shall allow such jurymen his mileage and fees as heretofore.

Fees of sheriff
for sending
notices.

(6) For sending every notice required by subsection 4 of this section, there shall be paid to the sheriff in the same manner and out of the same funds as the fees for the summoning of jurors the sum of 25 cents, and necessary disbursements paid by him for each jurymen so notified.

Sheriff's
notice not to
be given
unless there
are prisoners
in custody.

(7) In the case of a sittings of the High Court for the trial of criminal prosecutions, or in the case of a sittings of the General Sessions of the Peace in any county, the sheriff shall not give the notice mentioned in subsection (4) to this section unless he is satisfied that there is or are no prisoner or prisoners in the common gaol of the county awaiting trial at such sittings of the High Court or General Sessions of the Peace, as the case may be.

~~4~~ 4. This Act shall not apply to any county in which is situate a city. 

SCHEDULE C.

FORM A.

To the Sheriff of the County of

Take notice that there is no (civil or criminal, *as the case may be*) business requiring the attendance of a jury at the ensuing sittings of the court (*or the court of*) to be holden on the day of next, and that the attendance of jurymen at such sittings is not required.

Dated at this day of 19

Deputy Clerk of the Crown (*or Local Registrar of the High Court, or Clerk of the Peace, as the case may be*) for the County of

FORM B.

To

Take notice that there being no business requiring the attendance of jurymen at the sittings of the court (*or the court of*), to be holden on the day of next, your attendance as a jurymen at such sittings is not required and the summons served upon you for your attendance as such jurymen as aforesaid is hereby cancelled and rescinded.

Further take notice that in case you attend at such sittings after the receipt by you of this notice you will not be entitled to any fees or mileage for such attendance.

This notice is given pursuant to section 97 of *The Jurors' Act*, being chapter 61 of the Revised Statutes of Ontario.

Dated at , this day of , 190

Sheriff of the County of

5th Session, 5th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Jurors' Act.

First Reading, 16th January, 1902.
Second Reading, 25th February, 1902.

(Reprinted as amended in Committee of the
Whole.)

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Manhood Suffrage Registration.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Manhood Suffrage Registration Act* is amended by striking out the words "county town which is an" in the second and third lines, and the words "and shall also apply to the Town of Niagara Falls" in the third and fourth lines thereof. Rev. Stat.
c. 8, s. 1,
amended.

2. Sub section 8 of section 8 of the said Act is repealed and the following substituted therefor. Rev. Stat.
c. 8, s. 8, subs.
8, repealed.

(8) In towns other than county town the board of registrars shall be the police magistrate of the said town, the clerk of the municipal council of the said town and the clerk of the division court of the division in which the said town is situate. Board of
Registrars in
towns.

15 If there is no police magistrate or if the police magistrate is also clerk of the division court, then the mayor of the said town shall be the third member of said board.

3. Section 41 of the said Act is amended by adding thereto the following sub-section: Rev. Stat.
c. 8, s. 41,
amended.

20 (3) For the purpose of receiving said notice the chairman of the board of registrars of the county town in any electoral district shall be ex officio the chairman of the different boards of said electoral district.

No. 101.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Manhood Suffrage
Registration Act.

First Reading, 17th January, 1902.

Mr. BARR.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 102.]

BILL.

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

Section 80 of *The Municipal Act* is amended by inserting Rev. Stat.
5 therein, after the word "trustee" in the eighth line, the words c. 223, s. 80,
"and no member of a school board for which rates are levied." amended.

No. 102.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th January, 1902.

Mr. HOYLE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts :

1. Section 551 of *The Municipal Act* is amended by adding
5 thereto the following sub-sections : Rev. Stat.
c. 223, s. 551,
amended.

4a. For directing and regulating the payment by the
owners, lessees or occupants of real property of the expense of
cleaning and disposing of the contents of earth closets, privies
and privy vaults, and of adding such expense to the collector's
10 roll, and collecting the same in like manner and with other
municipal taxes. By-laws for
regulating
expenses of
cleaning
vaults, etc.

4b. In the event of a municipality undertaking the work
in the last sub-section referred to, as a municipal service, the
said work shall be done exclusively by the officers and work-
15 men employed by such municipality in such service, and the
said municipality, its officers and workmen shall, in such case,
have all the powers and authorities conferred upon the Local
Board of Health and its officers and workmen. Powers of
workmen
cleaning
vaults, etc.,
under by-law.

2. Section 430 of the said Act is amended by adding, after
20 the word "bonus" where it first occurs in said section, the
words "or debentures for any sum not exceeding \$100,000
and not less than \$10.00." Rev. Stat.
c. 223, s. 430,
amended.

5th Session, 9th Legislature
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th January, 1902.

Mr. PRESTON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Game Protection Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 6 of section 4 of *The Ontario Game Protec-* 63 V. c. 49, s. 4
tion Act is repealed and the following substituted therefor. sub. s. 6 re-
pealed.

(6) Nothing in this Act contained shall prevent the destruc- Destroying
tion of the wood hare or cotton tailed rabbit by any means, at cotton tailed
any time. rabbits.

2. Sub-section 4 of the said section 4 is amended by strik- 63 V. c. 49,
ing out the words "fifteenth day of October" in clause "B" of s. 4, sub s. 4
the said sub-section and inserting the words "fifteenth amended.
day of November" in lieu thereof.

No. 104.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Ontario Game
Protection Act.

First Reading, 17 January, 1902.

Mr. AULD.

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend the Municipal Act.

1. Section 696 of *The Municipal Act* is amended by adding thereto the following subsections —

Rev Stat. c.
223 s. 696
amended.

(5) In case an action or other legal proceeding is brought against any municipality the mayor, reeve or other head of said municipality may at any time after the service of the writ apply to the court or to a judge for security for costs.

Application
for security
for costs.

(6) The application shall be upon notice and an affidavit by the said mayor, reeve or other head of the municipality showing the nature of the action and of the defence and shewing to the satisfaction of the court or judge that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a verdict or judgment should be given in favour of the defendant municipality, and that the defendant has a good defence upon the merits, or that the grounds of action are trivial or frivolous; and thereupon the court or judge in its or his discretion in view of all the circumstances may make an order that the plaintiff shall give security for the costs incurred in such action.

Procedure in
application.

No. 105.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 20th January, 1902

Mr. BARR.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to further amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 5 **1.** Nothing in section 13 of *The Devolution of Estates Act* shall be held to derogate from any right possessed by an executor or administrator with the will annexed under a will or under *The Trustee Act*. Rev. Stat. c. 127, s. 13 not to affect the rights of executor, etc.
- 10 **2.** The preceding section shall operate as if the same had been enacted on the 4th of May, 1891, except that nothing therein contained shall affect the construction of the said section 13 as respects any conveyance heretofore made by any devisee or heir, but so far as it affects any such conveyance the said section 13 shall be construed as if the preceding section had not been enacted. Act to be effective as from 4th May, 1891.
- 15 **3.** The said section 13 is amended by substituting the words "three years" for the words "twelve months" occurring in the third line of the said section, but such amendment shall only apply to the real estate of persons who have died within one year before the passing of this Act, or shall
20 hereafter die. Rev. Stat. c. 127, s. 13 amended.
- 4.** Section 14 of the said *Devolution of Estates Act* shall extend to cases where a grant of probate of the will or of administration to the estate of the deceased may not have been made within twelve months or any longer period after the death
25 of the testator or intestate. This section shall be deemed to have been in force on and from the 27th day of May, 1893. Application of Rev. Stat. c. 127, s. 14.
- 5.** The powers of an administrator and of an executor under the said Act are hereby declared to include the power of leasing lands and of mortgaging lands for the purpose of paying
30 debts, but no lease hereafter made under such power shall, where an infant is interested, extend beyond the coming of age of the said infant or where more infants than one are interested shall extend beyond the coming of age of the eldest of said infants. The written consent or approval of the official
35 guardian to a lease or mortgage under the said power shall be Powers of administrator and executor as to leasing and mortgaging.

required under the like circumstances as it would be required if the land were being sold.

Sales and leases heretofore made confirmed.

6. Sales of realty made and leases and mortgages granted by executors and administrators with the written consent or approval of the official guardian prior to the passing of this Act, whether the probate of the will of the testator or letters of administration to the estate of the intestate have been taken out before or after the expiration of a year after the death of the testator or intestate, shall be valid as respects all the heirs or devisees, whether infants or of full age, for or on behalf of whom the consent of the official guardian has been obtained, and sales of land by executors and administrators in other cases made prior to the passing of this Act shall be adjudicated upon in like manner as is provided in subsection 3 of section 17 of *The Devolution of Estates Act* and shall be valid unless questioned in an action within one year from the passing of this Act except in any case where under *The Devolution of Estates Act* the approval of the official guardian was required and was not obtained.

Rev. Stat. c. 127.

20

Acceptance of share by beneficiary to be a confirmation of sale made prior to Act.

7. Where prior to the passing of this Act there has been a sale by executors or administrators, no infant being concerned and no consent or approval of the official guardian having been obtained, but the person or one of the persons beneficially entitled has received and accepted, or shall hereafter receive and accept, his share or supposed share of the purchase money, such acceptance shall be deemed a confirmation of the sale as respects such person.

Rev. Stat. c. 127, s. 16, subs. 1 amended.

Division of estate among persons beneficially entitled.

8. Subsection 1 of section 16 of the said *Devolution of Estates Act* is amended by adding the following clause thereto: 30

(a) The said executors and administrators shall also have power with the concurrence of the persons beneficially entitled thereto, or with the approval of the official guardian where there are infants, lunatics, or non-concurring persons beneficially entitled, to divide the estate of the deceased or any portion or portions thereof amongst the persons entitled thereto. 35

Rev. Stat. c. 127, s. 9 amended.

9. Section 9 of the said Act is amended by striking out the word "hereinbefore" where that word occurs in the first line of the said section and substituting therefor the word "herein."

40

No. 106.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to further amend The Devolution
of Estates Act.

First Reading, 20th Jan., 1902.

THE ATTORNEY-GENERAL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to further amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Nothing in section 13 of *The Devolution of Estates Act* shall be held to derogate from any right possessed by an executor or administrator with the will annexed under a will or under *The Trustee Act* ¹²⁷ or from any right possessed by a trustee under a will. ^{Rev. Stat. c. 127, s. 13 not to affect the rights of executor, etc.}

2. The preceding section shall operate as if the same had been enacted on the 4th of May, 1891, except that nothing therein contained shall affect the construction of the said section 13 as respects any conveyance heretofore made by any devisee or heir, but so far as it affects any such conveyance the said section 13 shall be construed as if the preceding section had not been enacted. ^{Act to be effective as from 4th May, 1891.}

3. The said section 13 is amended by substituting the words "three years" for the words "twelve months" occurring in the third line of the said section, but such amendment shall only apply to the real estate of persons who have died within one year before the passing of this Act, or shall hereafter die. ^{Rev. Stat. c. 127, s. 13 amended.}

4. Section 14 of the said *Devolution of Estates Act* shall extend to cases where a grant of probate of the will or of administration to the estate of the deceased may not have been made within twelve months or any longer period after the death of the testator or intestate. This section shall be deemed to have been in force on and from the 27th day of May, 1893. ^{Application of Rev. Stat. c. 127, s. 14.}

5. The powers of an administrator and of an executor under the said Act are hereby declared to include the power of leasing lands and of mortgaging lands for the purpose of paying debts, but no lease hereafter made under such power shall, where an infant is interested, extend beyond the coming of age of the said infant or where more infants than one are interested shall extend beyond the coming of age of the eldest of said infants. The written consent or approval of the official ^{Powers of administrator and executor as to leasing and mortgaging.}

guardian to a lease or mortgage under the said power shall be required under the like circumstances as it would be required if the land were being sold.

Sales and
leases hereto-
fore made
confirmed.

6. Sales of realty made and leases and mortgages granted by executors and administrators with the written consent or approval of the official guardian prior to the passing of this Act, whether the probate of the will of the testator or letters of administration to the estate of the intestate have been taken out before or after the expiration of a year after the death of the testator or intestate, shall be valid as respects all the heirs or devisees, whether infants or of full age, for or on behalf of whom the consent of the official guardian has been obtained, and sales of land by executors and administrators in other cases made prior to the passing of this Act shall be adjudicated upon in like manner as is provided in subsection 3 of section 17 of *The Devolution of Estates Act* and shall be valid unless questioned in an action within one year from the passing of this Act except in any case where under *The Devolution of Estates Act* the approval of the official guardian was required and was not obtained.

Rev. Stat.
c. 127.

Acceptance of
share by bene-
ficiary to be a
confirmation
of sale made
prior to Act.

7. Where prior to the passing of this Act there has been a sale by executors or administrators, no infant being concerned and no consent or approval of the official guardian having been obtained, but the person or one of the persons beneficially entitled has received and accepted, or shall hereafter receive and accept, his share or supposed share of the purchase money, such acceptance shall be deemed a confirmation of the sale as respects such person.

Rev. Stat.
c. 127, s. 16,
subs. 1
amended.

Division of
estate among
persons bene-
ficially
entitled.

8. Subsection 1 of section 16 of the said *Devolution of Estates Act* is amended by adding the following clause thereto:

(a) The said executors and administrators shall also have power with the concurrence of the persons beneficially entitled thereto, or with the approval of the official guardian where there are infants, lunatics, or non-concurring persons beneficially entitled, to divide the estate of the deceased or any portion or portions thereof amongst the persons entitled thereto.

Rev. Stat.
c. 127, s. 9
amended.

9. Section 9 of the said Act is amended by striking out the word "hereinbefore" where that word occurs in the first line of the said section and substituting therefor the word "herein."

Rev. Stat.
c. 127, s. 14.
amended.

10. Section 14 of the said Act is amended by striking out the words "twelve months" where they first occur in the said section and substituting therefor the words "the proper time," and by striking out the words "twelve months" where they occur the second time in the said section and substituting therefor the word "periods".

11. Section 15 of the said Act is amended by striking out the words "twelve months" where they first occur in the said section and substituting therefor the words "the proper time" and by striking out the words "after the expiration of twelve months from the death of the testator or intestate" and substituting therefor the words "after the time within which the executors and administrators might without any consent, order or certificate have registered a caution".

Rev. Stat.
c. 127, s. 15.
amended.

12.—(1) Real estate of persons who have died on or after the first day of July, 1886, and before the fourth day of May, 1891, which has not already been disposed of or conveyed by the executors or administrators of such persons, shall at the expiration of one year from the passing of this Act be deemed thenceforward to be vested in the devisees or heirs beneficially entitled thereto (or their assigns as the case may be) without any conveyance by the executors or administrators unless within the said year such executors or administrators shall have caused to be registered a caution as authorized in respect of the real estate of persons dying after the said fourth day of May, 1891, by the Act passed in the fifty-fourth year of Her late Majesty's reign intituled *An Act respecting the Sale of Real Estate by Executors and Administrators*.

Real estate of
persons dying
between 1st
July, 1886,
and 4th May,
1901.

(2) In case of such caution being so registered this section shall not apply to the real estate referred to therein for twelve months from the time of such registration or from the time of the registration of the last of such cautions, if more than one are registered.

(3) This section shall be applicable notwithstanding a grant of probate of the will of the deceased or of administration to his estate may not have been made prior to the expiration of the said period.

No. 106.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to further amend The Devolution
of Estates Act.

First Reading, 20th January, 1902.
Second Reading, 12th February, 1902.

(Reprinted as amended in Committee of
the Whole.)

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to amend The Assessment Act.

WHEREAS the sum of \$1,000 per year is not more than a Preamble.
proper competence for railway employees, mechanics
and other wage-earners, who have no other source of income
for themselves and their families, and it is desirable that the
5 exemption from income taxation should be made \$1,000 instead
of \$700.

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

- 10 1. Sub-section 26 of section 7 of *The Assessment Act* is Rev. Stat.
amended by substituting "\$1,000" for "\$700" wherever "\$700" c. 224 s. 7,
occurs in said sub-section. subs. 26
amended.

No. 107.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Assessment Act.

First Reading, 21st January, 1902.

Mr. MACDIARMID.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 108.]

BILL.

[1902.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Subsection 3 of section 41, of *The Public Schools Act*, is
5 amended by striking out the words "for a period of five
years" in the fourth and fifth lines of said sub-section
and inserting in lieu thereof the words "until repealed by said
township council"

1 Edw VII.
c 39, s. 41,
subs. 3,
amended.

6th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Public Schools Act.

First Reading, 21st January, 1902.

Mr. BARR.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

1. Section 73 of *The Municipal Act* as amended by section 4 of *The Municipal Amendment Act, 1899*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 223, s. 73,
repealed.

73. The council of every township shall consist of the Township
5 reeve, who shall be the head thereof, and of a first councillor, councils—
a second councillor, a third councillor and a fourth councillor, how consti-
tuted.
each of whom shall be elected separately.

2. The form of ballot paper provided in Schedule A of *The Municipal Amendment Act, 1899*, shall not apply to townships, Form of
ballot paper
in townships.
10 but the ballot paper to be used in municipal elections in town-
ships shall be according to the form set out in the schedule
to this Act.

SCHEDULE.

<div> <div></div> <div> Election for the Members of the Municipal Council of the Township of Polling Sub-division of </div> </div>		For Reeve.	<p>BROWN.</p> <p>John Brown, of the Township of King, Farmer.</p>
			<p>JONES.</p> <p>George Jones, of the Township of King, Miller.</p>
		1st Councillor.	<p>SMITH.</p> <p>James Smith, of the Township of Romney, Miller.</p>
			<p>DIXON.</p> <p>Philip Dixon, of the Township of Ramsay, Cooper.</p>
		2nd Councillor.	<p>BAILEY.</p> <p>John Bailey, of the Township of Ryde, Farmer.</p>
			<p>McEWAN.</p> <p>Thomas McEwan, of the Township of Pelham, Butcher.</p>
		3rd Councillor.	<p>GRANT.</p> <p>Samuel Grant, of the Township of Usborne, Baker.</p>
			<p>O'BRIEN.</p> <p>Timothy O'Brien, of the Township of Watt, Jeweller.</p>
		4th Councillor.	<p>BENSON.</p> <p>John Benson, of the Township of Wylie, Cabinetmaker.</p>
			<p>LUMSDEN.</p> <p>George Lumsden, of the Township of Zorra, Carpenter.</p>

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 21st January, 1902.

Mr. DUFF.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 110.]

BILL.

[1902

An Act to further amend The Ontario Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said section 10 is amended by adding thereto the
5 following sub-section:—

Rev. Stat.
c. 7 s. 10
amended.

2. Upon the outside or cover of each of the copies so sent
shall be printed or written conspicuously the date of the post-
ing up of the said list thus:

Date of post-
ing list to be
printed on
copies.

This list was posted up in the Clerk's office,
(fill in date)

19

10

No. 110.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to further amend The Ontario
Voters Lists Act.

First Reading, 21st January, 1902.

MR. MACDIARMID.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 3 of *The Municipal Drainage Act* is amended
5 by inserting therein the following as sub-section (3a). Rev. Stat.,
c. 226, s. 3,
amended.

(3a). If owing to the construction of a railway either before
or after the passing of this Act water is by any means caused
to flow upon and injure the land of any municipality, company
or individual, or the natural flow of the drainage is or has
10 been diverted or interfered with so as to cause water to
remain upon, or so as to prevent the free flow of water from
any such lands and roads, or if, owing to the existence of a
railway, extra cost is incurred through the necessity of divert-
ing the course of a drainage work under this Act so as not to
15 cross such railway, the company owning or controlling such
railway may, under all the formalities and powers contained
therein, except the petition be assessed and charged for the
construction and maintenance of the drainage work to the
extent required for relieving the injured lands and roads from
20 such water, and to the extent of the extra cost of the work
occasioned by the engineer or surveyor, the Court of Revision,
County Judge or Referee, and such assessment shall be deemed
to be an assessment for injuring the liability within the mean-
ing of sub-section 3 of this Act, and the railway company
25 thus made liable to assessment shall neither count for nor
against the petition required by sub-section 1 of this section.

Assessment
of railways
for drainage
work.

No. 111.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Drain-
age Act.

First Reading, 21st January, 1902.

Mr. McLACHLIN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to divide the District of Rainy River for the
Registration of Titles and Deeds.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

- 5 **1.** From the day which shall be named in a proclamation of the Lieutenant-Governor-in-Council in that behalf the District of Rainy River shall be divided into two divisions for the purposes of *The Land Titles Act*, and of sections 75 and 76 of *The Unorganized Territory Act* to be called respectively the north and south divisions and from the said day the said south division shall for the said purposes be separated from the rest of the District of Rainy River.

Division of
Rainy River
for registry
purposes.
Rev. Stat.
c. 138.

Rev. Stat.
c. 109.

2. The south division shall consist of that part of the said district described as follows :—Commencing where the boundary line between the districts of Rainy River and Thunder Bay intersects the international boundary line ; thence due north astronomically along said district boundary to Ontario land surveyor Speight's base line run in 1897, in latitude 49° 0' 6" north ; thence due west astronomically along Speight's base line aforesaid 23 miles, 71 chains, 7 links, to an iron post ; thence due west astronomically 36 miles, more or less, to the 18th-mile post on O. L. S. Niven's 5th meridian line ; thence due west astronomically 30 miles, more or less, to the 18th mile post on O. L. S. Niven's 6th meridian line ; thence due west astronomically 35 miles, more or less, to the westerly shore of Clearwater Lake ; thence southerly along the westerly shore of said lake, ten chains, more or less, to the 49th parallel of latitude ; thence due west along said parallel of latitude 32 miles, more or less, to a point distant westerly fifteen chains from the water's edge of the Lake of the Woods ; thence south- westerly following the water's edge of the Lake of the Woods and at a distance of fifteen chains therefrom till it strikes the international boundary at the mouth of Rainy River ; thence southeasterly and easterly up Rainy River along the international boundary to Rainy Lake : thence easterly, southerly and southeasterly following the international boundary through to Rainy Lake and the several lakes and rivers forming the international boundary to the place of beginning, but excluding therefrom any island within the said Lake of the Woods.

South Divi-
sion how
comprised.

North
Division.

3. The north division shall consist of the remainder of the said District of Rainy River.

Offices for
each division,
where to be
situated.

4. The office of land titles and the registry office for the north division shall be situated at Rat Portage, and the office of land titles and the registry office for the south division shall be situated at Fort Francis. 5

Appointment
of local master
of titles.

5. The Lieutenant-Governor may at any time after the passing of this Act appoint a local master of titles for the said south division and may also appoint the same person or a different person registrar of deeds therefor. 10

Delivery of
books, etc.

6. Upon the day named in the said proclamation, or as soon thereafter as practicable, the local master at Rat Portage shall deliver to the local master at Fort Francis all books which have been kept exclusively for any territory included in the south division and shall after the passing of this Act, whenever so instructed by the master of titles, re enter from the present registers into a register or registers for the said south division all subsisting entries of titles of lands and of mortgages of lands which are situated in the said division and which are entered in books which have not been kept exclusively for lands in such division. 15 20

Instruments,
transfer of.

7. The local master at Rat Portage shall also deliver as aforesaid to the local master at Fort Francis all original instruments filed or registered with him which relate exclusively to lands within the said south division, and certified copies of all such instruments relating to land in the south division as well as to land in the north division as the master of titles shall direct. 25

Entry of in-
struments by
local master
at Fort
Francis.

8. The local master at Fort Francis may enter in the registers all instruments so delivered to him which have not been entered in the registers, and may complete the entries which have not been completed in respect of any such instrument, and may date all such entries as they would have been dated if the entries had been made and completed by the local master at Rat Portage and may continue and complete all applications, proceedings and matters pending at the date of the division before the local master at Rat Portage respecting land in the said south division. 30 35

Transfer of
executions.

9. (1) The local master at Rat Portage shall also deliver as aforesaid, to the said local master at Fort Francis, certified copies of all writs of execution in force in his hands. 40

Time of re-
ceipt to be
endorsed.

(2) Every such copy shall have written thereon a memorandum of the time of the receipt thereof by the Local Master at Rat Portage.

Effect of
copies.

(3) Such copies shall have the same effect and shall be dealt with in the same manner as if they had been furnished by the 45

Sheriff of Rainy River to the Local Master at Fort Francis and shall at the time of their delivery as aforesaid have the same priority as at the time of their delivery as aforesaid they respectively held in the office at Rat Portage.

5 **10.** Where the effect of a copy of a writ has been varied by a subsequent certificate of the Sheriff or by an order of Court, the Local Master at Rat Portage shall also deliver as aforesaid a certified copy of such certificate or order to the Local Master at Fort Francis.

Delivery of copies of certificates subsequent to execution.

10 **11.** Where in any case the Local Master of either of the said divisions is unable to determine in which division the land described in any patent hereafter issued lies, the registration of the title of such land in the division in which it is described in the patent as situate shall be a valid registration
15 ther. of and such land shall be deemed to be in such division until the Local Master thereof is satisfied that it has been incorrectly described as in such division and the registration has been corrected under the next section.

Where local master cannot determine in which division land lies.

20 **12.—(1)** In case the Master at Rat Portage shall at any time ascertain that through oversight or otherwise any parcel of land within the south division has been erroneously omitted from the register or registers prepared under section 6, he shall prepare a true copy of the subsisting register of any such parcel and shall append thereto a certificate stating that such
25 copy is a true copy of the register of the land therein described and such Master shall also state in such certificate whether or not there is in such office a copy of any execution which affects such land, and if there is any such execution shall give the particulars thereof and shall deliver the copy so prepared
30 to the Local Master at Fort Francis.

Land erroneously omitted from new register.

(2) Where, through the land having been described in the patent in the wrong division or through other oversight, the title to any land is registered in the wrong division, the Local Master for the division in which such land is registered shall
35 prepare a true copy of the subsisting register of such land and shall append thereto a certificate as in this section mentioned and shall deliver the same to the Local Master of the division in which such land is situate.

Land registered in wrong division.

40 **13.** The Local Master of one division who under Section 12 delivers to the Local Master of the other division a certified copy of the register of any parcel of land shall, when the parcel in his register includes land in both divisions, vary his certificate by stating that the said copy is a true copy of the register so far as the same relates to land in the other division,
45 naming it, and shall vary the copy accordingly.

Form of certificate in such cases.

14. The Local Master shall thereupon note in the register of the parcel that the land affected by his certificate has been

Note of transfer to correct division.

transferred to the other division and after such entry instruments subsequently lodged with such Local Master shall not affect the said land.

Executions to
bind lands
notwithstand-
ing registry in
every division.

15. It is hereby declared to be the intention of this Act that a copy of a Writ of Execution duly lodged in the office 5 in which the title to any land is registered shall bind such land notwithstanding it shall subsequently be ascertained that the land is in fact situated within the territorial limits, as in section 2 or 3 set forth, of a division of the said district other than that in which it is registered and the provisions of this 10 Act shall be construed accordingly.

Registration
of owner by
local master
of correct
division.

16. The Local Master receiving a copy certified under Section 12 or 13 shall thereupon register as owner of such parcel of land the person who by such copy appears to be the owner thereof subject to the various charges, cautions, inhibitions, 15 qualifications and other incumbrances affecting the same appearing in the said copy and shall also enter as an incumbrance in the register of the parcel any execution affecting such land mentioned in the said certificate.

Application
of Rev. Stat.
c 109, ss. 75,
76 in issue of
proclamation.

17. Upon the day named in the said proclamation the pro- 20 visions of Sections 75 and 76 and of Sections 78 to 83 of *The Unorganized Territory Act* shall, except when inconsistent with this Act, apply to each of the said divisions, as if the same were a territorial district.

No. 112.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to divide the District of Rainy
River for the Registration of Titles and
Deeds.

First Reading, 21st January, 1902.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Assignments
and Preferences by Insolvent Persons.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 17 of *The Act respecting Assignments and* Rev. Stat.,
c. 147, s. 17,
amended.
5 *Preferences by Insolvent Persons* is amended by striking out
the words “the appointment of inspectors and” in the fifth
line of the said section.
2. Section 28 of the said Act is amended by striking out Rev. Stat.,
c. 147, s. 28,
amended.
10 the words “the inspectors” in the fourth line of the said
section and inserting in lieu thereof the words “any creditor
ranking to the amount of \$100,” and by striking out the
words “the inspectors” in the sixth line and inserting in lieu
thereof the words “any such creditors.”
3. Section 32 of the said Act is amended by striking out Rev. Stat.,
c. 147, s. 32,
amended.
15 the words “or by the inspectors” in the fourth and fifth lines
of said section.
4. Section 33 of the said Act is repealed. Rev. Stat.,
c. 147, s. 33,
repealed.
5. Section 34 of the said Act is amended by striking out Rev. Stat.,
c. 147, s. 34,
amended.
20 the words “or upon the written request or resolution of a
majority of the inspectors of the estate” in the fourth, fifth
and sixth lines of the said section.
6. Sub-section 1 of section 39 of the said Act is amended Rev. Stat.,
c. 147, s. 39,
ss. 1, amended.
25 by striking out the words “or upon the written request or
resolution of the majority of the inspectors of the estate” in
the seventh, eighth and ninth lines of the said sub-section.
7. Sub-section 2 of the said section 39 is amended by strik- Rev. Stat.,
c. 147, s. 39,
ss. 2, amended.
ing out the word “inspector” in the fifth line and inserting in
lieu thereof the word “creditors.”

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Act respecting Assignments and Preferences by Insolvent Persons.

First Reading, 22nd January, 1902.

Mr. JOYNT.

TORONTO :
PRINTED BY L. K. CAMERON
Printer to the King's Most Excellent Majesty.

No. 114.]

BILL

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Clause (e) of section 9 of *The Municipal Amendment* ^{63 V. c. 23,}
5 *Act, 1900*, is amended by adding thereto the words, “or to ^{s. 9, amended.}
provide for payment whether in whole or in part and whether
as an incorporated company or otherwise of such bonus or any
part thereof or interest therein to or for the benefit of the pro-
prietor of an industry already established elsewhere in the
10 Province, or anyone claiming through or under such pro-
prietor”.

No. 114.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd January, 1902.

Mr. PATULLO.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 152 of *The Assessment Act*, is amended by inserting after the word "list" in the fourth line thereof the words "in duplicate," and by inserting after the word "list" in the seventh line thereof the words "in duplicate."

Rev. Stat., c.
224, s. 152
amended.

2. Section 153 of the said Act is amended by inserting after the word "keep" in the second line thereof the words "one copy of," and by striking out the word "a" in the fourth line thereof and substituting therefor the words "the other" and by striking out all the words after the word "shall" in the eighteenth line of said section down to and including the word "same" in the twentieth line and substituting therefor the words "make a copy of the assessor's remarks upon the duplicate list previously furnished to him by the treasurer, which said list shall remain on file in his office, and thereupon return the list with the assessor's remarks entered thereon to the county treasurer."

Rev. Stat. c.
224, s. 153 am-
ended.

3. Section 153 of the said Act is further amended by adding thereto the following sub-section:—

Rev. Stat., c.
224, s. 153 am-
ended.

(2) In every municipality which for assessment purposes is divided into two or more divisions the clerk thereof shall forthwith after the division notify the treasurer or county treasurer as the case may be of such division and thereafter of any alteration in the boundaries or the abolition of such divisions, and the treasurer whose duty it is to furnish the said list shall furnish the same in duplicate for each division instead of one list in duplicate for the whole municipality.

Notice to
treasurer
where change
made in as-
sessment div-
isions.

4. Sub-section 4 of section 184 of the said Act is repealed and the following substituted in lieu thereof:—

Rev. Stat. c.
224, s. 184,
sub-sec. 4 re-
pealed.

The treasurers of the Townships of York, Scarborough and Etobicoke shall not be obliged to sell for taxes only a portion of any vacant lot originally laid out according to any registered plan, the frontage of which lot liable to be sold for taxes does not exceed fifty feet, but may in all such cases sell the

Mode of sell-
ing for taxes
in York, Scar-
borough and
Etobicoke.

whole of such lot or the whole of that part thereof (as the case may be) in respect to which taxes are in arrears, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per cent of the sale price and less such charges and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same. And it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same. Provided, however, that in the event of redemption the party redeeming shall pay ten per cent. upon the whole amount realized in respect thereof notwithstanding section 200 of *The Assessment Act*.

Rev. Stat. c.
224, s. 193
amended.

5. Section 193 of *The Assessment Act* is amended by adding after the words "the same" in the seventh line thereof, the words "or so much thereof as may not have been redeemed."

No. 115.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Assessment Act.

First Reading, 22nd January, 1902.

Mr. HILL.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Public Health Act* is amended by adding the following sections after section 107:— Rev. Stat. c. 248 amended.

107*a*. Except as provided by chapter 57, 36 Victoria, no hospital, sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis, shall hereafter be maintained or kept within the limits of any municipality without the consent, by resolution given in writing, of the local board of health of such municipality. Hospitals for consumptives not to be established without consent of the local board of health.

107*b*. Any person or persons who shall, contrary to the provisions of the last preceding section maintain or keep any such hospital, sanatorium, institution or place, or who shall take part in the superintendence or management thereof, after notice in writing by the local board of health, or an officer thereof, to desist from so doing, shall be liable to a penalty not exceeding \$25.00 for each and every day on which, after said notice in writing, the offence is continued. Penalty.

2. Section 107 of *The Public Health Act* is amended by adding after the word "reception" in the first line of such section the words "as also all hospitals or places of reception for persons suffering from consumption or tuberculosis". Rev. Stat. c. 248, s. 107, amended.

No. 116.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Public Health Act.

First Reading, 22nd January, 1902.

Mr. HULL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Public Health Act* is amended by adding the following section after section 107:— Rev. Stat. c. 248, amended.

~~107~~ 107a.—(1) Except as provided by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, char- Hospitals for not to be established without permission.
tered 57, no hospital, sanatorium, institution or place for the reception, care or treatment of persons suffering from consumption or tuberculosis, shall be established or maintained or kept within the limits of any municipality without permission to be given in the manner hereinafter provided.

(2) Any person who desires to establish, maintain or keep any such hospital, sanatorium, institution or place may make written application for permission so to do to the local board of health of the municipality, and any person who now maintains or keeps any such hospital, sanatorium, institution or place may make such application within two months after the passing hereof, and such local board of health shall take such application into consideration at its next general meeting after receipt thereof, or at a special meeting to be called for the purpose within one month after the receipt of such application. Notice of such special meeting shall be given to the applicant at least ten days before the date appointed for the same. Application for permission

(3) The local board of health shall hear the applicant for such permission in person or by counsel, as also any person or persons opposed to the granting of such permission, and shall within one month thereafter decide by resolution of the said board whether or not such application shall be granted. Hearing and decision on application.

(4) In case the local board of health decides not to grant such application notice in writing of such decision shall forthwith be given to the applicant by registered letter, and the applicant may appeal from such decision to a Board of Appeal to be composed of the head of the municipality, the sheriff of the county in which such municipality is situate, and the Secretary of the Provincial Board of Health, such appeal to be by notice in writing addressed to the said secretary, and Appeal to board of appeal.

given within seven days after receiving notice of the decision of the local board of health.

Hearing
appeal.

(5) It shall be the duty of the Secretary of the Provincial Board of Health to appoint a time and place for the consideration of such appeal, and the said Board of Appeal shall hold a sitting at such time and place, and shall hear what may be alleged for and against such appeal on behalf of the applicant, and the local board of health or any ratepayer of such municipality who may object to the granting of such permission, and the said Board of Appeal may adjourn the proceedings for the purpose of visiting any building or site or proposed site, and determining upon its suitability, or for the purpose of procuring any further information as they may deem proper.

Decision of
board of ap-
peal.

(6) The decision of the Board of Appeal or a majority of the said Board shall be given in writing and such decision shall be final.

Costs of
appeal.

(7) The members of the said Board of Appeal shall each be entitled to a fee of \$5 for hearing and determining any appeal under this Act and such fees and any other costs and expenses incurred in hearing such appeal shall be paid by the person appealing upon the written order of the Secretary of the Provincial Board of Health to the persons entitled thereto.

Penalty.

(8) Any person who shall erect or establish or maintain any such hospital, sanatorium, institution or place without applying for and receiving permission so to do as hereinbefore provided and any person who shall take part in the superintendence or management of such hospital, sanatorium, institution or place shall be liable to a penalty not exceeding \$25 for each and every day for which such offence is continued.

Sections 107a
to 107h not to
apply to cer-
tain hospitals.

(9) Nothing in this section contained shall apply to any public general hospital in which persons suffering from other diseases as well as persons suffering from consumption or tuberculosis are received and treated nor shall the said sections apply or be in force in any part of this Province which is without county organization.

Rev. Stat. c.
248, s. 107,
amended.

2. Section 107 of *The Public Health Act* is amended by adding after the word "reception" in the first line of such section the words "as also all hospitals or places of reception for persons suffering from consumption or tuberculosis".

No. 116.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Health Act

First Reading, 22nd January, 1902.
Second Reading, 24th February, 1902.

(Reprinted as amended by The Municipal
Committee.)

Mr. HULL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to further amend The Ontario Election Act.

WHEREAS more effective provisions are required for the prevention and punishment of ballot frauds and other offences at elections; and whereas for better securing the secrecy of voting it is expedient to abolish the numbering of the ballot.

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 64 of *The Ontario Election Act*, as amended by section 4 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 4, is amended by adding to sub-section (2) thereof the following words: "and the returning officer shall at least two days before the day fixed for polling furnish to each candidate or his agent a list of all deputy-returning officers appointed to act in such election, with the name or number of the place or polling sub-division at which each of them is to act."

Rev. Stat. c. 9, s. 64, amended.

List of deputy returning officers.

2. *The Ontario Election Act* is further amended by adding after section 68 thereof the following section :—

Rev. Stat. c. 9, amended.

- 68a. No person shall be appointed or shall be competent to act as returning officer, deputy returning officer or poll clerk who has been found guilty of any election offence, or who has by any election court been reported for or ordered to pay any costs because of his wrongdoing or delinquency in connection with any election."

Disqualification for acting as deputy returning officers.

3. The said Act is further amended by adding after section 91 thereof the following section :—

Rev. Stat. c. 9, amended.

- 91a. Each deputy returning officer shall, if practicable, furnish to the returning officer not later than nine o'clock in the morning of the day prior to the day fixed for polling the name and occupation or addition of his poll clerk; and the returning officer shall not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the deputy returning officers and poll clerks with the occupation or addition of each showing the place and polling sub-division where each is to act, and shall permit free access to and afford

Particulars to be furnished as to deputy returning officers and poll clerks.

full opportunity for inspection of such list by any candidate, agent or elector up to at least six o'clock of the evening of the same day.

Rev. Stat. c.
9, s. 96a,
amended.

3. Section 96a of the said Act as enacted by section 12 of the said chapter is amended by adding at the end thereof the following words: "and such agents shall be entitled to inspect and examine the ballots and all other papers, forms and documents relating to the poll." 5

Rev. Stat. c.
9, s. 96, sub-s.
4, amended.

4. Sub-section 4 of section 69 of said Act is amended by striking out of said sub-section the following words: "and every ballot paper shall have a number printed on the back thereof and the same number shall be printed on the face of the counterfoil attached thereto, but the same number shall not be printed on more than one ballot paper to be used for the electoral district." 10 15

Ballots not to
be numbered.

Rev. Stat. c.
9, s. 70, sub-s.
3, repealed.

5. Sub-section 3 of section 70 of said Act is repealed and the following substituted therefor:—

Tendered
ballots.

(3.) The tendered ballot papers and the counterfoils attached thereto shall have a number printed on the back of each, the ballot to have the same number as its counterfoil, but no two tendered ballots in the electoral district are to have the same number. 20

Rev. Stat. c.
9, s. 97, sub-s.
8, amended.

6. Sub-section 8 of section 97 of said Act is amended by adding at the end thereof the following words: "and after receiving the ballot paper back from the voter before putting it into the box the deputy returning officer shall, if so required, exhibit to the candidate or his agent such name or initials so that such candidate or agent may see that it is the proper ballot paper and that only one ballot paper is being put into the box at the same time, care always being taken not to disclose for whom the voter has voted." 25 30

Initials of
deputy re-
turning officer
to be shown
on ballot.

Application of
Rev. Stat. c.
10 as to per-
sonation.

7. The provisions of chapter 10 of the Revised Statutes of Ontario, 1897, entitled "*An Act to Secure the Prompt Punishment of Persons Guilty of Personation at Elections for the Legislative Assembly*," shall extend and apply to all and every township, village, town, city and other place, territory or district within the province as well as to cities, towns and incorporated villages for which there are police magistrates, and every county or district judge shall in every part of his county or district have the like jurisdiction, duty, power and authority as is given by said Act in places to which it applied to police magistrates; the county or district judges jurisdiction to be concurrent with that of the police magistrate within the limits to which the police magistrates' jurisdiction extends, and to be exclusive within other parts of the county or district; and the county or district judge shall also in every case have jurisdiction, duty, power and authority to receive informations and 35 40 45

issue warrants, either on election day or at any other time, for the arrest and production before him to be dealt with according to the provisions of said Act of any person charged with the offence of personation under *The Manhood Suffrage Registration Act* or for the offence of personation under *The Ontario Election Act*.

8. Every county or district judge shall within his county or district have in respect to every offence of bribery or other corrupt practice under *The Ontario Election Act* the like ^{Jurisdiction of county and district judges as to corrupt practices.}
 10 power, duty, authority and jurisdiction for the prompt arrest, trial and punishment of such bribery and corrupt practices as is given him by the section hereof next preceding this section for the prompt punishment of personation; provided, however, that such judge may, if he thinks fit, in any case issue a
 15 summons instead of a warrant in the first instance to procure the attendance of the accused; and provided always that in case the judge thinks fit in any case, or in case the accused so requests, the accused shall instead of being tried in a summary manner before the county or district judge be by said judge
 20 committed for trial before a High Court judge without a jury at the next available assizes or High Court sittings within the county. The same rules and procedure as to granting bail, and otherwise to the trial and final disposition of the case as in ordinary indictable offences shall apply so far as the judge
 25 dealing with the particular matter shall deem applicable and necessary.

9. Form 11 of Schedule A to *The Ontario Election Act* is ^{Form of ballot.} repealed and the following substituted therefor:—

FORM 11.

(Referred to in Section 69.)

FORM OF BALLOT PAPER.

(Front).

Election for the
West Riding
of the County
of Elgin.
190 .

(or as the case
may be).

(To be perforated and detached here.)

No. on
Voters' List
in Poll Book.

DOE.

1. (John Doe, Township of Southwold,
County of Elgin, Yeoman.)

ROE.

2. (Richard Roe, Village of Dutton,
County of Elgin, Merchant.)

STYLES.

3. (John Styles, City of St. Thomas,
Physician.)

(Back.)

Election for the West Riding of the County of Elgin,

190 .

(or as the case may be).

NOTE.—Nothing else to be printed on the ballot.

Directions to
voters.

10. Form 12 of Schedule A to said Act is amended by altering the sample face of ballot given therein for illustration so as to make it correspond with the face of the ballot as provided in new Form 11 hereto.

No. 117.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act to further amend The Ontario Election Act.

First Reading, 23rd January, 1902.

MR. MACDIARMID.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Medical Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 5 of *The Ontario Medical Act* is amended by
5 substituting for the word "appointed" in the second line there-
of the word "elected." Rev. Stat.,
c. 176, s. 5,
amended.

2. Section 6 of the said Act is repealed and the following
section substituted therefor:— Rev. Stat.,
c. 176, s. 6,
repealed.

6.—(1) The council shall consist of seventeen members to be
10 elected in the manner hereinafter provided from amongst and
by the registered members of the profession;

(2) Every member so elected shall be a resident of the ter-
ritorial division for which he is elected, and any member,
who, during the term for which he was elected ceases to re-
15 side in the division for which he was elected shall thereby
vacate his office as such member. Council, how
constituted.

(3) One member shall be so elected from each of the territorial
divisions mentioned in Schedule A to this Act by the resident
practitioners of medicine registered in such division, and the
20 manner of holding such election shall with respect to the time
thereof and the taking of votes therefor be determined by a
by-law to be passed by the council, and in default of such by-
law being made, then the Lieutenant Governor shall prescribe
the time and manner of holding such election.

25 3. Section 7 of the said Act is repealed and the following
section substituted therefor:— Rev. Stat.,
c. 176, s. 7,
repealed.

7. —(1) The members of the council shall be elected for a
period of four years, but any member may resign at any time
by letter addressed to the president or registrar of the coun-
30 cil, and upon the death or resignation of any member of the
council, or by his becoming disqualified owing to his having
ceased to reside in the territorial or electoral division for
which he was elected, or in case a new election is requisite on
account of the decision of a judge upon a contested election,
35 the registrar shall forthwith cause a new election to be held in
such territorial or electoral division, and the election shall be
conducted in accordance with the by-laws and regulations of

Term of office,
vacancies how
filled.

the council, but it shall be lawful for the council during such vacancy to exercise the powers hereinafter mentioned.

(2) The registrar shall, not more than sixty or less than forty days before the time for receiving nominations for any election under this Act notify by letter or post card every registered medical practitioner in the province of the date of receiving such nominations. 5

Rev. Stat.,
c. 176, s. 9,
repealed.

4. Section 9 of the said Act is repealed.

Rev. Stat.,
c. 176, s. 20,
amended.

5. Section 20 of the said Act is hereby amended by striking out the words "referred to in section 6 of this Act" in the fourth and fifth lines thereof, and substituting therefor the following words "authorized to give instruction in medicine and surgery in the Province of Ontario." 10

Rev. Stat.,
c. 176, s. 28,
repealed.

6. Section 28 of the said Act is repealed and the following section substituted therefor:— 15

Board of
Examiners.

28. The board of examiners elected under the preceding section shall be composed as follows: One member to be chosen from each of the following named teaching bodies, namely, The University of Toronto, the Queen's University and College, of Kingston, the University of Trinity College, and the Western University, and one each from every other university, college or teaching body in the Province of Ontario which may be hereafter organized to teach and be empowered by law to grant medical or surgical diplomas in the said Province, and which establishes and maintains to the satisfaction of the College of Physicians and Surgeons of Ontario a medical faculty in connection therewith, and a number, not less than six members, one of whom shall be a homœopathic practitioner, to be chosen from those members of the College of Physicians and Surgeons of Ontario who are unconnected with any of the teaching bodies above mentioned or referred to. 20 25 30

Rev. Stat.,
c. 176, s. 29,
amended.

7. Section 29 of the said Act is amended by striking out all the words following the first word in the seventh line thereof, and substitute these words "An Homeopathic Examiner."

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend the Ontario Medical Act.

First Reading, 23rd January, 1902.

Mr. JESSOP.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Councils of Conciliation and of Arbitration for settling Industrial Disputes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Section 4 of *The Trades Disputes Act* is amended by adding the following sub-sections :—

Rev. Stat.,
c. 158, s. 4,
amended.

(4.) If any difference shall arise between any corporation or person, employing ten or more employees, and such employees, threatening to result, or resulting in a strike on the part of such employees, or a lockout on the part of such employer, it shall be the duty of the Registrar, when requested in writing to do so by five or more of said employees, or by the employers, or by the Mayor, or Reeve of the municipality in which the industry is situated, to visit the place of such disturbance and diligently seek to mediate between such employer and employees.

Registrar to
proceed to
locality where
strike or lock-
out threatened

(5) It shall be the duty of the registrar to promote conditions favourable to a settlement by endeavouring to allay distrust, to remove causes of friction, to promote good feeling, to restore confidence, and to encourage the parties to come together and themselves effect a settlement, and also to promote agreements between employers and employees with a view to the submission of differences to conciliation or arbitration before resorting to strikes or lock-outs.

Duty of
registrar in
adjusting
disputes.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act to amend the Act respecting Councils
of Conciliation and of Arbitration for
settling Industrial Disputes.

First Reading, 23rd January, 1902.

Mt. PRESTON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

'An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 87 of *The Public Schools Act* is amended by
5 adding thereto the following sub sections :—

8. In any city or town separated from the county, to visit
in each term upon the request of the board of management or
trustees any voluntary or private school or incorporated
seminary of learning within the territory in which he has
10 jurisdiction, and having an average attendance of at least
twenty pupils, and in which the text books authorized by the
department are used, and the teachers hold certificates of the
department.

9. To examine into the condition of such school or incorpor-
15 ated seminary of learning, the order and discipline observed,
the system of instruction pursued, the average attendance of
pupils, the character and sanitary condition of the buildings
and premises, and to give such advice to teachers, pupils and
officers of the school as he may consider proper, and to report
20 upon the results of such visit and inspection to the board of
management or trustees of such school or seminary.

10. The sum of \$5.00 for every teacher occupying a separ-
ate room with a separate register shall be paid by the board
of management or trustees of such voluntary or private school
25 or seminary towards the salary of the inspector in lieu of any
grant from money appropriated by the Legislature for that
purpose as provided by sub-section 10 of section 86 of this
Act.

No. 120.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Public Schools Act

First Reading, 24th January, 1902.

Mr. HILL.

TORONTO;

PRINTED BY L. K. CAMERON.

Printed to the King's Most Excellent Majesty.

An Act to amend the Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 4 of section 184, and sub-section 1 of section 5 386 of *The Municipal Act* (as amended by section 15 of *The Municipal Amendment Act, 1898*) are hereby amended by striking out in each of them the words "in towns having a population of 5,000 or under."
2. Clause 4 of section 566 of the said Act, as amended by 10 section 35 of *The Municipal Amendment Act, 1899*, and by section 29 of *The Municipal Amendment Act, 1900*, is further amended by striking out all the words after the words "five years" in the fifth line thereof down to and including the words "latest census" in the eleventh line.
- 15 3. Sub-section 1 of section 567 of the said Act is hereby repealed, and the second sub-section thereof is amended by striking out the word "such," and by inserting after the word "town" in the first line the words "having a population of 5,000 or less, as ascertained by the latest census of Canada," 20 and the third sub-section thereof is amended by striking out the words "such town" in the first and second lines, and the word "town" in the third line, and substituting in each place the words "city, town or village."
4. Sub-section 5 of section 569 of the said Act is hereby 25 amended by substituting the words "town or village" for the words "or town" in the nineteenth line thereof, and also in the twenty-ninth line thereof.
5. No by-law of any city, town or village heretofore passed creating or intending to create a debt for the erection, pur- 30 chase, improvement or extension of gas, electric light or water works, and which has received the assent of the electors, or if for improvements or extensions has been approved by the Lieutenant-Governor in Council shall be quashed or shall be deemed to be invalid or illegal by reason only that the period

fixed by the said by-law for the repayment of the debt thereby created exceeds twenty years, provided such period does not exceed thirty years, and to remove doubts it is hereby declared that the proviso of sub-section 5 of section 569 has, since the passage of *The Municipal Amendment Act, 1899*, applied to and included, and shall continue to apply to and include, villages as well as cities and towns. 5

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Municipal Act.

First Reading, 24th January, 1902.

Mr. CARSCALLEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Election Laws.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The returning officer at every election of a member to
5 serve in the Legislative Assembly shall in the proclamation to be issued by him under *The Ontario Election Act* of the date and the place at which the election is to be held, also name one deputy returning officer in each municipality who shall receive the votes of persons employed upon railways as here-
10 inafter mentioned and the place and date at which such votes will be received. The said date shall be the day next preceding the day before that appointed for holding the poll.

2. On the said day the deputy returning officer so named shall attend at the place named in the proclamation for the
15 purpose of receiving the said votes, and he shall be supplied by the returning officer with a sufficient number of ballot papers for the said purpose together with a like number of envelopes endorsed as provided in Form 1 in the Schedule to this Act.

20 3.—(1) Every employee of a railway company who believes or has reason to believe that in the course of his occupation he will be absent from the municipality in which his name is entered on the Voters' List as entitled to vote at the election may appear before the said deputy returning officer upon the
25 day and at the place named in the proclamation, and upon application for a ballot paper he shall be sworn by the deputy returning officer in the same manner and in the same form as if he had tendered his vote at the polling place on the day of voting and had been sworn at the request of an agent of a
30 candidate, and after administering the oath the deputy returning officer shall give him a ballot paper to be marked in the manner provided in *The Ontario Election Act*, and the voter shall go within the compartment which shall be provided for that purpose, and shall there mark his ballot paper and fold
35 the same as prescribed by *The Ontario Election Act*, and shall deliver it to the deputy returning officer, who in his presence and without unfolding the ballot paper shall identify his own initials as provided by *The Ontario Election Act*, and shall then place the said ballot paper in an envelope to which he

shall affix his seal. The deputy returning officer shall then fill up and sign the endorsement upon the envelope.

(2) The counterfoils from which the ballots used in voting under this Act shall be placed in a sealed package and be delivered to the returning officer within twenty-four hours. 5

4.—(1) The deputy returning officer taking the votes of railway employees under this Act shall deliver each of the said envelopes to the deputy returning officer acting at the polling subdivision in which the vote would have been cast under *The Ontario Election Act*, and immediately after the opening 10 of the poll on the day of polling such last mentioned deputy returning officer shall in the presence of the agents and other persons entitled to be present at the polling place, open each of the said envelopes, and after making the proper entries in the poll book shall deposit the ballot paper contained therein 15 in the ballot box in the same manner as if he had received it from the voter personally voting at the said polling place, and shall then destroy the same. Any agent of a candidate lawfully present at the polling place may examine the endorsement upon the envelope before the same is opened. 20

5. The returning officer, if requested so to do, shall appoint agents to attend to the taking of votes of railway employees on behalf of the candidates at the election, and the provisions with regard to agents appointed to attend at polling places shall apply to agents appointed under this section. 25

6. In the case of persons voting under this Act the following paragraph shall be added to the form of oath provided by *The Ontario Election Act*.

"That you are an employee of the Railway Company, and believe that you will be absent from this municipality on the day of the day appointed for holding the poll at this election." 30

7. All the provisions of *The Ontario Election Act* in regard to the secrecy of voting and the penalties for violation thereof shall apply to the voting under this Act. 35

8.—(1) The envelopes containing the said votes shall be securely kept under lock and key by the deputy returning officer receiving the same while in his custody, and shall not be opened, nor shall any other person be allowed access thereto except the deputy returning officer at the proper polling 40 place, as hereinbefore provided.

(2) Every person guilty of a violation of this section shall incur a penalty of not more than \$400 or less than \$100, and shall, in addition, be liable to imprisonment for any period not exceeding six months, besides being subject to disqualification, 45 as provided in the case of persons convicted of offences under *The Ontario Election Act*.

SCHEDULE.

FORM I.

ENDORSEMENT ON ENVELOPE.

Electoral District of _____, Municipality of _____
Name of voter _____
Polling subdivision in which he claims to be entitled to vote _____
Address of voter, giving street number or number of lot and municipality.
Sworn according to Form No. _____ in the Schedule to *The Ontario Election Act*.
An employee of the _____ Railway Company.
A. B.,
Deputy Returning Officer

No. 122.

5th Session, 9th Legislature.
2 Edward VII. 1902.

BILL.

An Act to amend the Election Laws.

First Reading, 27th January, 1902.

Mr. LEE.

TORONTO

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 20 of section 71 of *The Assessment Act* is amended by inserting after the word "ground" in the second line thereof the following words: "or in case any municipal elector appeals against the assessment of any other person"; and by inserting after the word "assessment" in the fourth line thereof the following words: "including the right or liability of other persons to be assessed"; and by inserting after the word "corrected" in the fifth line thereof the following words: "and if other persons liable to be assessed in the municipality ought to be added to the roll by reason of any decision reached under such appeal, upon such notice to the person or persons interested as to the county judge or judges may seem proper, the roll may be corrected by inserting such names and the amount for which they should be inserted, and the proper person."

Rev. Stat.
c. 224, s. 71,
subs. 20,
amended.

Procedure
upon appeals.

2. The said Act is further amended by adding to sub-section 3 of section 184 thereof the following words: "If land is so purchased by the council of the local municipality, or by any person for such council, the council, or such person for them, shall be entitled to hold the said land until redeemed as herein provided whether the money was actually paid over for the land bought by the said council, or person, or not, and the taxes accrued or accruing upon the said land, subsequent to the taxes for which the land has been sold, shall be also payable by the person desiring to redeem the said land, and at the time of such redemption, and as a condition precedent to the rights to redeem; and in case any of such land is, after such sale, marked or treated as exempt, as belonging to the municipality, the person seeking to redeem or set aside the said sale shall only be permitted to do so upon also paying the taxes which would have accrued upon such land if it had not been exempt; and taxes being made up at the tax rate for the year or years for which such taxes are being made up, and on the assessed value for the last preceding year at which it was assessed."

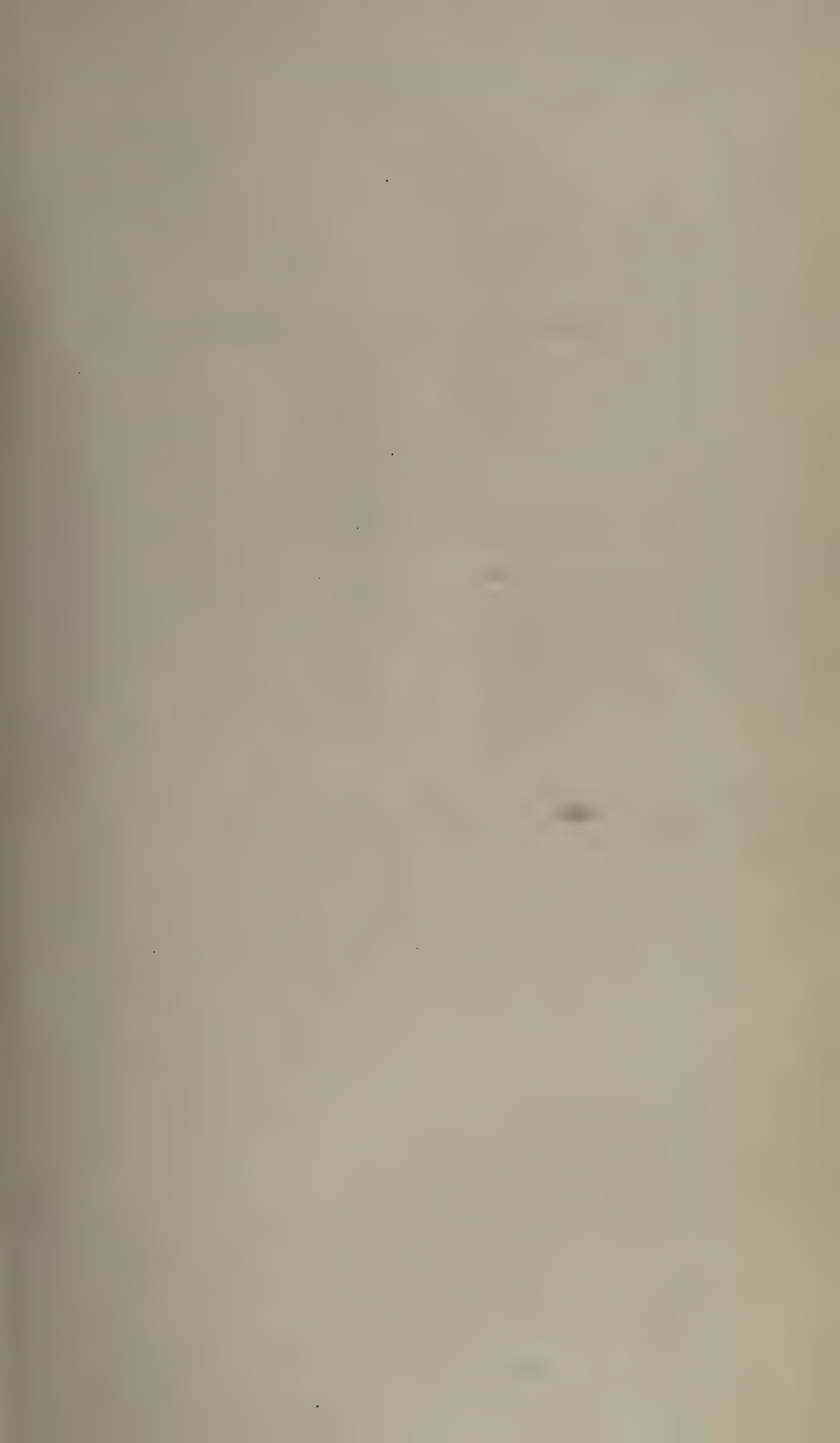
Rev. Stat.
c. 224, s. 184,
subs. 3,
amended.

As to land
purchased by
municipality.

Rev. stat.
c. 224 sec. 18
amended.

Rails, poles
etc. of com-
panies

3. Section 18 of the said Act is amended by adding after the word " property " in the fourth line thereof the following words,—except the ways, rails, poles, wires, gas and other pipes, mains, conduits, sub-structures, super-structures and other plant and appliances belonging to street railway, tele- 5 graph, telephone, gas, electric light, water and other similar companies within any city ; and by adding at the end of the section the following words—the said ways, rails, poles, wires, gas and and other pipes, mains, conduits, sub-structures, super-structures, and other plant and appliances within any 10 city or town, belonging to street railway, telegraph, telephone, gas, electric light, water and other similar companies shall be assessable in the ward in which the head office of such company is situated, if such head office is situated in such city or town, but if the head office of such company is not in such 51 city or town, then the assessment may be in any ward of such city or town, and such ways, rails, poles, wires, gas and other pipes mains, conduits, sub-structures, super-structures and other plant and appliances shall be assessed at their fair value to the owner for the purpose for which they are being used 20 by him."



5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Assessment Act.

First Reading, 27th January, 1902.

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 18 of *The Municipal Act*, as amended by section Rev. Stat.
5 2 of *The Municipal Amendment Act, 1901*, is further amended c. 223, s. 18,
by adding thereto the following sub-section as sub-section amended
10 :—

10 10. Provided that it shall be lawful for any town or incor- Agreements
porated village in which are [situated] lands wholly used for with owners of
15 farming purposes to enter into special agreements with the farm lands in
owners of such lands as to the rate of taxation to which the towns and vil-
same shall be subject for any period not exceeding five years lages as to rate
at a time, and to pass by-laws to give effect to such agree- of taxation.
ments, but no such by-law nor any agreement provided for
15 thereby shall take effect or be valid or binding unless ap-
proved by a vote of not less than two-thirds of the council of
the town or village as the case may be.

No. 124.

5th Session, 9th Legislature,
2 Edward VII, 1902

BILL.

An Act to amend The Municipal Act.

First Reading, 28th January, 1902.

Mr. SMITH.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 125.]

BILL.

[1902.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section 10 of Section 65 of *The Public Schools Act* 1 Edw. VII.,
5 is amended by adding after the words "required for that" in c. 39, s. 65,
the fifth line, the words "and other school purposes". sub-s. 10,
amended.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public School Act.

First Reading, 28th January, 1902.

Mr. FALLIS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

No. 125.]

BILL.

[1902.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section 1 of section 74 of *The Public Schools Act* is amended by inserting therein after the word "thereto" in the fourth line the words "or repairs or improvements of the school property."

No. 125.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Schools Act.

First Reading, 28th January, 1902.

Reprinted as amended by Municipal Com-
mittee.)

Mr. FALLIS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Voters' List Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 52 of *The Ontario Voters' List Act* as re-enacted
 5 by section 3 of the Act passed in the sixty-second year of the
 reign of Her Late Majesty Queen Victoria, and chaptered 3,
 is amended by striking out the words "within fifteen days
 after the final revision of," in the first line thereof and by
 substituting in lieu thereof the following words :—"Immed-
 10 "iately after the return by the assessor or assessors of ;" and
 by adding after the word "ward" where it secondly occurs in
 the second line thereof the following words, "and without
 "waiting for the revision and correction of the said roll by the
 "court of revision or the judge."
- 62 V. (2nd
 Sess.) c. 3, s. 3,
 amended.
- When voters'
 list to be pre-
 pared when
 made up by
 wards.
- 15 2. Section 56 of the said Act as so re-enacted is amended
 by adding at the end thereof the following words :—"In case
 "the assessment roll of such city is not finally revised before
 "the final revision, correction and certifying of the voters'
 "lists by the judge and upon appeal to the judge from the
 20 "court of revision alterations are made by the judge in the
 "assessment roll affecting the right of any person to be enter-
 "ed on the voters' list, the judge shall forthwith after the final
 "revision of the roll make out a list of such alterations and
 "deliver the same to the clerk, and the clerk shall make the
 25 "corresponding changes in the certified copies of the revised
 "voters' list and the judge shall initial the same. A copy of
 "the said list of alterations shall be posted up by the clerk in
 "his office."
- 62 V. (2nd
 Sess.) c. 3, s. 3,
 amended.
- When roll is
 not finally re-
 vised before.

No. 126.

5th Session, 9th Legislature
2 Edward VII., 1902.

BILL.

An Act to amend The Voters' List Act.

First Reading, 28th January, 1902.

MR. MARTER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 127.]

BILL.

[1902.

An Act to amend The Assessment Act.

WHEREAS the present operation of the law respecting poll Preamble.
tax works injustice and brings no adequate return and
it is expedient that said tax should be abolished.

Therefore His Majesty, by and with the advice and consent
5 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sections 97, 98, 99, 100 and 106 of *The Assessment Act* Rev. Stat
c. 224, s. 97-100
and 106
repealed.
are repealed.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act to amend The Assessment Act.

First Reading, 28th January, 1902.

Mr. MACDIARMID.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 21 of *The Public Schools Act of 1901* is amended 1 Edw. VII.,
5 by striking out the words "city or town" in the fourth, sixth c. 39, s. 21.
and thirteenth lines and substituting therefor the words
"urban municipality"; and by adding to the words "urban
municipality" thus substituted in the thirteenth line the fol-
lowing words, "to pay for the conveyance of the pupils to
10 such schools".

Conveyance of
pupils from
rural school
sections to
urban schools.

2. Section 41 of the said Act is hereby amended by adding 1 Edw. VII.,
to the first sub-section the following: "or on request made in c. 39, s. 41
like manner to pass by-laws to consolidate two or more sec- amended.
tions into one for the purpose of providing a central school.
15 The trustees of the sections thus united shall continue to be
trustees of the united section, but if deemed expedient the
municipal council may by by-law limit the number of the
school board to two members for each section, each trustee
holding office for two years and one retiring annually by rota-
20 tion. The trustees shall have all the powers ordinarily exer-
cised by trustees of a rural school section, and in addition the
power to meet the cost of conveyance of children to the cen-
tral school established under the jurisdiction of the board".

Consolidation
of two or more
sections for
central school.

No. 128.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Schools Act.

First Reading, 28th January, 1902.

Mr. HARCOURT.

TORONTO

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 21 of *The Public Schools Act of 1901* is amended by striking out the words "city or town" in the fourth, sixth and thirteenth lines and substituting therefor the words "urban municipality": and by adding to the words "urban municipality" thus substituted in the thirteenth line the following words, "to pay for the conveyance of the pupils to such schools".

1 Edw. VII.,
c. 39, s. 21.

Conveyance of
pupils from
rural school
sections to
urban schools.

2. Section 41 of the said Act is hereby amended by adding to the first sub-section the following: "or on request made in like manner to pass by-laws to consolidate two or more sections into one for the purpose of providing a central school. The trustees of the sections thus united shall continue to be trustees of the united section, but if deemed expedient the municipal council may by by-law limit the number of the school board to two members for each section, each trustee holding office for two years and one retiring annually by rotation. The trustees shall have all the powers ordinarily exercised by trustees of a rural school section, and in addition the power to meet the cost of conveyance of children to the central school established under the jurisdiction of the board".

1 Edw. VII.,
c. 39, s. 41
amended.
Consolidation
of two or more
sections for
central school.

3. Section 61 of *The Public Schools Act* is amended by adding thereto the following subsection 7.

1 Edw. VII.,
c. 39, s. 61
amended.

(7) In cities, towns and incorporated villages until a resolution has been passed under the preceding sub-section the school trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and the division of any city or town into wards under any former provision of *The Municipal Act* shall be deemed to be continued for the purpose of the election of public school trustees and in any city or town in which the aldermen or councillors as the case may be are elected by general vote the clerk shall act as returning officer for the whole municipality and in case two or more candidates have an equal number of votes the clerk shall give the casting vote so as to decide the

Election of
trustees
when coun-
cil elected by
general vote.

election. Provided that nothing in this subsection contained shall affect the validity of any election of public school trustees heretofore held.

1 Edw. VII,
c. 39, s. 63,
subs. 1
amended.

4.—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting therein after the word "trustee" in the second line the words "or as to the return made by any returning officer."

Subs. 2
amended.

(2) Subsection 2 of the said section 63 is amended by inserting therein after the word "elected" in the second line the words "or may order a new election."

Section to be
retroactive.

(3) The amendments made by this section shall apply to elections heretofore held as well as to those held after the passing of this Act.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Schools Act.

First Reading, 28th January, 1902.
Second Reading, 12th February, 1902.

(Reprinted as amended in Committee of
Whole.)

Mr. HARCOURT.

TORONTO

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 21 of *The Public Schools Act of 1901* is amended by striking out the words "city or town" in the fourth, sixth and thirteenth lines and substituting therefor the words "urban municipality"; and by adding to the words "urban municipality" thus substituted in the thirteenth line the following words, "to pay for the conveyance of the pupils to such schools".

1 Edw. VII.,
c. 39, s. 21.

Conveyance of
pupils from
rural school
sections to
urban schools.

2. Section 41 of the said Act is hereby amended by adding to the first sub-section the following: "or on request made in like manner to pass by-laws to consolidate two or more sections into one for the purpose of providing a central school. The trustees of the sections thus united shall continue to be trustees of the united section, but if deemed expedient the municipal council may by by-law limit the number of the school board to two members for each section, each trustee holding office for two years and one retiring annually by rotation. The trustees shall have all the powers ordinarily exercised by trustees of a rural school section, and in addition the power to meet the cost of conveyance of children to the central school established under the jurisdiction of the board".

1 Edw. VII.,
c. 39, s. 41
amended.

Consolidation
of two or more
sections for
central school.

3.—(1) Section 61 of *The Public Schools Act* is amended by adding thereto the following subsections.

1 Edw. VII.,
c. 39, s. 61
amended.

(7) In cities and in towns until a resolution has been passed under the preceding subsection the school trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and the division of any city or town into wards under any former provision of *The Municipal Act* or any special Act in force at the time of the abolition of wards for the purpose of municipal elections, shall be deemed to be continued for the purpose of the election of public school trustees.

Election of
trustees
when coun-
cil elected by
general vote.

(8) Where the board of trustees are elected by ballot the election of public school trustees in such city or

town shall be conducted as nearly as may be in the same manner provided by section 61 of this Act and the officers for holding such election shall be appointed by the municipal council as if the election of councillors or aldermen by general vote had not been adopted or prescribed for such city or town.

- (9) Where the election of trustees is not by ballot the election of public school trustees in such city or town shall take place as nearly as may be in accordance with the provisions of section 60 of this Act.

Proviso. ~~73~~(2) Provided that nothing in this section contained shall affect the validity of any election of public school trustees heretofore held.

1 Edw. VII,
c. 39, s. 63,
subs. 1
amended.

4.—(1) Subsection 1 of section 63 of *The Public Schools Act* is amended by inserting therein after the word "trustee" in the second line the words "or as to the return made by any returning officer."

Subs. 2
amended.

(2) Subsection 2 of the said section 63 is amended by inserting therein after the word "elected" in the second line the words "or may order a new election."

Section to be
retroactive.

(3) The amendments made by this section shall apply to elections heretofore held as well as to those held after the passing of this Act.

Manual training and domestic science classes.

5.—(1) The Board of High School Trustees, the Board of Public School Trustees and the Board of Separate School Trustees or the Board of Education and the Board of Separate School Trustees or any of such boards in any city or town may enter into agreements for the formation and carrying on of classes for manual training and domestic science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor.

(2) The school corporations so agreeing may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to a joint committee composed of representatives of each of such school corporations, and any joint committee so appointed may procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on the said classes, and may engage teachers therefor.

(3) Each of the members of such joint committee shall hold office during the pleasure of the school corporation by which he is appointed.

(4) Every joint committee appointed under this section shall annually on or before the first day of February, furnish to

each of the school corporations represented an estimate showing the amounts required for carrying on the work of such classes during the then current year, and such school corporations shall include in the estimates to be furnished to the council of the city or town the amount so required for the said classes, and the same may be included in the school rates of the municipality and levied and collected therewith.

6. Subsection 1 of section 74 of *The Public Schools Act* 1 Edw. VII., is amended by inserting therein after the word "thereto" in the fourth line the words "or repairs or improvements of the school property." c. 39, s. 65, sub-s. 1 amended.

No. 128.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Public Schools Act.

First Reading, 28th January, 1902.
Second Reading, 12th February, 1902.

(Reprinted as again amended in Committee
of the Whole House.)

Mr. HARCOURT.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 103 of *The Land Titles Act* is amended by adding to clause 1 the following: "Where two or more owners as aforesaid are described as trustees the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated." (*Vide* R. S. O. c. 119, s. 11.) Rev. Stat. c. 139, s. 103, cl. 1 amended. Trustees to be entered as joint tenants.
2. The following is added to section 122 of the said Act as subsection 3 thereof: Rev. Stat. c. 139, s. 122 amended.
- (3) Where the Master under this section restores to the register any covenant or condition he may do so with such modifications, if any, as he deems are advisable so as to do the least possible injury to the parties affected by their omission, or by their restoration, and may upon notice to the Attorney General of Ontario, at the same time or subsequently, determine what damages (if any) shall be paid to any of the parties claiming to have been injuriously affected by the omission of the said covenants or by their restoration. Restoration of covenants or conditions and compensation therefor.
3. Section 141 of the said Act is amended by striking out the words "in relation to the registration of any title" where they occur in the second line of the said section and substituting the words, "in any application made to him." Rev. Stat. c. 139, s. 141 amended.
4. Section 164 of the said Act is amended by inserting the words "or fees" after the word "salary" in the first line of subsection 3. Rev. Stat. c. 139, s. 164 amended.

No. 129.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Land Titles Act.

First Reading, 4th February, 1902.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 103 of *The Land Titles Act* is amended by adding to clause 1 the following: "Where two or more owners as aforesaid are described as trustees the property shall be held to be vested in them as joint tenants unless the contrary is expressly stated." Rev. Stat. c. 138, s. 103 cl. 1 amended.
Trustees to be entered as joint tenants.

2. The following is added to section 122 of the said Act as subsection 3 thereof: Rev. Stat. c. 138, s. 122 amended.

(3) Where the Master under this section restores to the register any covenant or condition he may do so with such modifications, if any, as he deems are advisable so as to do the least possible injury to the parties affected by their omission, or by their restoration, and may upon notice to the Attorney General of Ontario, at the same time or subsequently, determine what damages (if any) shall be paid to any of the parties claiming to have been injuriously affected by the omission of the said covenants or by their restoration. Restoration of covenants or conditions and compensation therefor.

3. Section 141 of the said Act is amended by striking out the words "in relation to the registration of any title" where they occur in the *third* line of the said section and substituting the words, "in any application made to him." Rev. Stat. c. 138, s. 141 amended.

4. Section 164 of the said Act is amended by inserting the words "or fees" after the word "salary" in the first line of subsection 3. Rev. Stat. c. 138, s. 164 amended.

5. Section 3 of *The Act to amend The Land Titles Act*, passed in the first year of the reign of His Majesty King Edward VII., is amended by striking out the words "Lake Superior" in the second line of the said section, and substituting therefor the words "Lake Huron." 1 Edw. VII., c. 16, s. 3 amended.

No. 129.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Land Titles Act.

First Reading, 4th February, 1902.
Second Reading, 18th February, 1902.

Reprinted as amended in Committee of the
Whole.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to establish a Government Printing Bureau.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Wherever the word "Bureau" appears in this Act it shall be construed as Printing Bureau established under this "Bureau." Act. Interpretation

"Minister" shall mean "Provincial Secretary."

"Minister."

2. There shall be established under the supervision and control of the Provincial Secretary at Toronto, a printer's bureau for the purpose of printing all public statutes and other work incidental to the conduct of the Legislature, and all public institutions now and heretofore under the management of the King's Printer, together with a gazette for the publication of all official notices, advertisements and other matters now required to be published in the *Ontario Gazette* and together also with all school books, copy books and other matters required in the curricula of the public schools, high schools, collegiate institutes and Universities of Ontario. Establishment of Government printing bureau.

3. All such school books, copy books and other matters shall be supplied to the various school boards and boards of education throughout the Province at the actual cost of the same, and shall be distributed by the said school boards to the pupils attending the schools of Ontario for the prices paid for same. School books, etc., to be distributed at cost.

4. Where deemed desirable school boards shall have power by resolution to supply said school books to pupils free of charge, the cost of same to be paid by the municipality out of the general taxes. Supplying books, etc., free of charge.

5. *The expense of establishing and maintaining the bureau shall be a charge upon the consolidated revenue fund for the Province and all fees for public notices and advertisements now required to be paid the Ontario Gazette under the several Acts of this Province relating thereto shall be paid into and form a part of the consolidated revenue fund together with all receipts from the sale of school books and other matters as aforesaid.* Expense of bureau to be a charge on consolidated revenue fund.

Bureau to be
under control
of King's
printer.

6. The mechanical management of the bureau shall be under the supervision and control of the King's Printer subject, however, to the approval of the Minister.

Report to
Legislature.

7. An account shall be kept of the expense of maintenance of said Bureau and of the earnings or returns from same and a report thereof made annually to the Legislature by the Minister. 5

No. 130.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to establish a Government Printing
Bureau.

First Reading, 4th February, 1902.

Mr. KRIBS.

TORONTO:

PRINTED BY L. K. CAMEROY,

Printer to the King's Most Excellent Majesty.

No. 131]

BILL.

[1902

An Act to amend The Municipal Act

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

The Municipal Act is amended by inserting therein the
5 following section:—

Rev. Stat.,
c. 223,
amended.

700 (c). The council of any municipality shall by a two-thirds vote of the members thereof have the power of exempting, in whole or in part, from taxation (except as to school taxes), for any period not longer than twenty years,
10 any smelting or other reduction works which may be established within its limits for the treatment of ores of any description, saving the by-products and gaining the metallic contents of such ores.

By-laws
exempting
smelting
works from
taxation.

No. 131.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act

First Reading, 4th February, 1902.

Mr. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting Compensation
to the Families of Persons Killed by Accident
and in Duels.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Act respecting Compensation to the Families of Rev. Stat.,
c. 166,
amended.
5 Persons killed by Accident or in Duels is amended by adding
thereto the following section:—

10. It is hereby declared that the true intent and meaning Rights of
representa-
tives of
plaintiff to
begin or con-
tinue action.
of this Act was and is that in case any of the persons for
whose benefit, or by whom an action may be brought under
10 the provisions of sections 3 or 8 of this Act, die before such
action is brought, or before final judgment has been entered
in any such action, if brought, such action may be brought
or continued by or on behalf of the executor or administrator
of such person; and the judge or jury may give such damages
15 as he or they think proportioned to the injury resulting from
such death to the parties respectively for whom or for whose
benefit such action was or might have been brought under
the provisions of section 3 of this Act.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act to amend the Act respecting Compensation to the Families of Persons Killed by Accident or in Duels.

First Reading, 4th February, 1902.

Mr. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 133.]

BILL

[1902

An Act to amend The Loan Corporation's Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 6 of the Act passed in the 63rd year of the reign ^{63 V. c. 27,}
5 of Her late Majesty Queen Victoria, chaptered 27, is amended ^{s. 6 amended.}
by adding to sub-section 1 (c) after the word "telephone" where
it first occurs in the said sub-section, the words "steel, iron or ^{Investments}
coal." ^{in debentures.}

NO. 133.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Loan Corporations Act.

First Reading, 4th February, 1902.

MR. PRESTON

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 3 of section 617 of *The Municipal Act* is
 5 amended by striking out the words ‘ less than eighty feet in
 “ width ” in the ninth line of said subsection and inserting in
 lieu thereof the words “ of such lesser width than eighty feet
 “ as the said council shall determine ” and by adding to said
 subsection the following words, “ Such county council may
 10 “ however by such by law specify and define by name, location
 “ or otherwise any bridge or bridges of the class mentioned in
 “ in this section and in section 613 over rivers, streams, ponds
 “ or lakes less than the width to be stated in such by-law to
 which such by-law shall “ not apply, and thereupon the pro-
 15 visions of the preceding “ subsections and of section 613 shall
 apply to the bridge or “ bridges so specified in such by-law.”

Rev. Stat.
c. 223, s. 617,
subs. 3,
amended.

Bridges over
streams less
than eighty
feet wide.

2. Subsection 4 of said section 617 is amended by striking
 out the words “ eighty feet forming or crossing such boundary
 “ line ” in the fifth and sixth lines of said subsection and in-
 20 serting in lieu thereof the words “ the width specified in such
 “ by-law forming or crossing such boundary line save and
 “ except such bridges as may be specified in such by-law pur-
 “ suant to the provisions of the last preceding subsection.”

Rev. Stat.
c. 223 s. 617
subs. 4
amended.

No. 134.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 4th February, 1902.

Mr. BROWN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Wheresoever in subsections 17, 17a, 17b, 17c, 17d, of section 542 of *The Municipal Act*, or either one or more of them, the words or phrases "other combustible or dangerous materials," "any other explosive substance," "other explosive substance," "any explosive substance," "any explosive," occur, the same shall be read as meaning in addition to other meanings or things to include and including therein, gasoline, and all by-laws enacted heretofore in pursuance of said subsections of said section shall be read where using said terms or phrases as if including therein, gasoline. Provided this shall not affect any pending litigation.
2. Sub-section 1a of section 669 of *The Municipal Act* is amended by inserting after the word "to" in the first line of the said sub-section the words "in lieu and instead of."

By-laws re-
specting ex-
plosives may
include gaso-
line.

Rev. Stat. c.
223 s. 669
suba. 1a
amended.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act to amend The Municipal Act.

First Reading, 4th February, 1902.

MR. BROWN

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-sections 1 and 3 of section 6 of *The Public Parks Act* are amended by striking out the word "February" where the same occurs therein and inserting in lieu thereof the word "January."

Rev. Stat.
c. 233, s. 6,
subs. 1 and 3

2. Section 13 of the said Act is amended by adding thereto the following sub-section:—

Rev. Stat.
c. 233, s. 13,
amended.

10 (1a) In no case, however, shall any land, right or privilege be so acquired by the board unless and until such acquisition shall have been sanctioned and approved of by the council of the municipality by by-law.

Lands not to
be acquired
without
consent of
council.

15 3.—(1) Sub-section 1 of section 17 of the said Act is amended by striking out the word "March" where the same occurs therein and inserting in lieu thereof the word "January."

Rev. Stat.
c. 233, s. 17,
subs. 1,
amended.

(2) Sub-section 3 of the said section is amended by striking out the word "April" where the same occurs therein and inserting in lieu thereof the word "February."

Rev. Stat.
c. 233, s. 17,
subs. 3,
amended.

20 4. The said Act is further amended by adding the following section thereto:—

Rev. Stat. c.
233, amended.

25 24—(1) In case a petition is presented to the council of any municipality in which this Act has been adopted and in which the same has been in force for more than two years, signed, in the case of a city, by not less than 500 electors, or in the case of a town or township by not less than 200 electors, or in the case of a village by not less than 75 electors, praying that this Act may be declared to be no longer in force in such municipality, the council may pass a by-law giving effect to the petition with the assent of the electors qualified to vote at municipal elections given before the final passing of the by-law as provided by *The Municipal Act*.

By-law
declaring Act
no longer in
force.

30 (2) In case the majority of votes polled on the by-law are in favour thereof, the by-law shall be finally passed by the council at its next regular meeting, held after the taking of

Rev. Stat.
c. 223.

such vote, or so soon thereafter as may be, and thereafter this Act shall cease to be in force or to have effect in such municipality and the general management, regulation and control of all existing parks and avenues and of all properties both real and personal, applicable to the maintenance of parks belonging 5 to such municipality shall be vested in the council thereof.

No. 136.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Public Parks Act.

First Reading, 6th February, 1902.

Mr. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 137]

BILL

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Every municipal council shall have power to contract for
the purchase, conditionally or otherwise, or for the rental for
a term of years or otherwise, of road making machinery and
appliances for public uses within the municipality, and such
contract may provide for the payment therefor in instalments
extending over a period not exceeding five years.
- Contracts for
purchase or
rental of
road making
machinery.

No. 137.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 6th February, 1902.

Mr. PRESTON.

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 103 of *The Ontario Election Act* is amended by
5 striking out therein after the word "vote" in the seventeenth
line of the said section and substituting the following :—" show
to the deputy returning officer and to the candidates or agents
present the initials of the deputy returning officer and the
number on the back of the ballot paper in order that they may
10 verify said initials and number, and the voter shall forthwith
deposit the ballot paper in the ballot box in the presence of
all the persons entitled to be present and shall immediately
leave the polling place.
2. Subsection 1 of section 24 of the said Act is amended by
15 adding thereto at the end thereof the following :—
- (f) Members of the board of license commissioners, license
inspectors and other officers charged with the administration
of *The Liquor License Act*.

Rev. Stat.,
c. 9, s. 103,
amended.

Procedure on
depositing
ballot.

Rev. Stat.,
c. 9, sec. 24,
sub. 1,
amended.

License com-
missioners,
etc., not to act
at elections.

No. 138.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Election Act.

First Reading, 7th February, 1902.

MR. THOMPSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 139]

BILL.

[1902.

An Act respecting County Council Elections.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 1 Sub-section 2 of section 168 of *The Municipal Act* is
5 amended by striking out all the words therein after the word
“division” at the end of the third line thereof, and substitut-
ing therefor the words “and shall not give more than one vote
for each such candidate.” Rev. Stat.,
c. 223, sub-s.
2, amended.
Voting for
county
councillors.
- 10 2. Schedule B to the said Act being the form of directions
for the guidance of voters voting at municipal elections is
amended by striking out the second paragraph thereof. Rev. Stat.,
c. 223, sched.
B amended.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act respecting County Council Elections.

First Reading, 10th February, 1902.

MR. SMITH.

TORONTO:
PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section 4 of section 668 of *The Municipal Act* is
5 amended by adding thereto the following words after the word
“assessment” at the end of such sub-section and before clause
(a) therein “nor shall the provisions of the next succeeding
section hereof apply in such case.”

Rev. Stat.
c. 223, s. 668,
sub-s. 4,
amended.

2. Sub-section 4 of section 671 of the said Act is amended
10 by adding to such sub-section 4 the following clause:—

Rev. Stat.
c. 223, s. 671,
ss. 4, amended.

“And in cases within sub section 4 of section 668 hereof,
relating to the construction of sewers for the purpose of drain-
ing a particular locality or area for sanitary or drainage pur-
poses as a local improvement, the cost of the local improvement
15 may be assessed and levied by a special rate upon the lands
benefited thereby, according to the proportion of benefit re-
ceived therefrom, instead of by a frontage rate or according to
the provisions of sub-section 2 of section 673 hereof, and the
council shall in such case procure an estimate of the cost of
20 the proposed work or improvement and of the properties
exempt from taxation, and shall, for at least fifteen days be-
fore its final decision to undertake the said proposed work or
improvement, keep a statement of the same shewing generally
the nature of the work and the particular locality or area—the
25 lands liable to pay the assessment and the names of the owners
thereof, so far as can be ascertained from the last revised
assessment roll, the amount proposed to be assessed against
each and the period over which the assessment extends—open
for inspection in the office of the clerk of the municipality;
30 the council shall also cause to be inserted once a week for
two successive weeks, in a public newspaper published within
the municipality or in the county town or in any public news-
paper published in the nearest municipality in which a public
newspaper is published, a notice in the form following, or to
35 the like effect:—

Construction
of sewers by
local assess-
ment.

“Take notice that the municipal council of the corporation of the
of intends to (describing the work) for the purpose of draining,
for sanitary or drainage purposes, as a local improvement, the following
locality (describing the locality or area within which the work has been or

is to be made or constructed) and to assess the final cost thereof upon the property within the said area or locality to be benefited thereby; and that a statement showing the lands liable to pay said assessment and the owners thereof, so far as can be ascertained from the last revised assessment roll and the amount proposed to be assessed against each, is now filed in the office of the clerk of the municipality and is open for inspection during office hours. The estimated cost of the work is \$, of which \$ is to be provided out of the general funds of the municipality. A court of revision will be held on the day of for the purpose of hearing complaints against any of the proposed assessments, or any other complaint which persons interested may desire to make and which is by law cognizable by the court.

Rev. Stat.
c. 223, s. 673,
ss. 2, amended.

3. Sub-section 2 of section 673 of the said Act is amended by inserting after the word "is" in the third line of such sub-section the following words, "proposed to be or is," and by inserting between the word "sewer" and the word "has" in the said line, the words "is proposed to be or is".

5

Rev. Stat.
c. 223, s. 674,
amended.

4. Section 674 of the said Act is amended by inserting the following as an additional sub-section:—

Special rate
for construction
of sewers.

3a. In the case of the construction of sewers for the purpose of draining a particular locality or area for sanitary or drainage purposes as a local improvement, the council of any city, town or village may, by by-law, provide that the cost of the works therein specified may be assessed and levied by a special rate upon the lands within the area according to the assessed value thereof when only such system of assessment shall have been adopted by a three-fourths vote of the full council.

15

No. 140.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 10th February, 1902.

Mr. MOTTIE.

TORONTO:

PRINTED BY L. K. CAMERON.
Printer to the King's Most Excellent Majesty.

No. 141.]

BILL.

[1902.

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. *The Separate Schools Act* is amended by inserting there-
5 in after section 33 of the said Act the following :—

Rev. Stat. c.
294 amended.

33a. It shall be the duty of the board of trustees of every
urban school and they shall have power, to take possession of
all property which has been acquired or given for separate
school purposes and to hold the same according to the terms
10 in which it was acquired or received, and to dispose by sale or
otherwise, of any school site or property not required in con-
sequence of a change of site, or other cause, to convey the
same under their corporate seal, and to apply the proceeds
thereof to their lawful school purposes or as directed by this
15 Act.

Powers of
urban boards
as to dispos-
ing of prop-
erty no
longer
required.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 10th February, 1902.

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Subsection 7 of section 51 of *The Separate Schools Act* is repealed and the following substituted therefor:

(7) The debentures issued under the by-law may be for such amounts as the trustees may deem expedient, and shall be in the form set out in Schedule H to this Act.

Rev. Stat.,
c. 294, s. 61,
subs. 7, re-
pealed. ¹⁸⁹¹
Amounts
of debentures.

CONTINUATION CLASSES.

2. The Separate School Board in any municipality or section in which there is no high school shall have power to establish in connection with the schools over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Continuation
classes where
there is no
high school.

(2) The trustees of any number of separate school corporations, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under this Act for the tuition of pupils attending the schools under their immediate jurisdiction.

Grouping of
schools.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the separate school inspector.

Qualification
for continua-
tion classes.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Fees of pupils.

Qualification. (5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the entrance examination shall be the holder of at least a first-class certificate.

**Legislative
and county
grants.**

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be apportioned by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class, and any further sums the municipal council may deem expedient.

**Rev. Stat. c.
294 amended.**

3. *The Separate Schools Act* is amended by inserting therein after section 33 of the said Act the following :—

**Powers of
urban boards
as to dispos-
ing of prop-
erty no
longer
required.**

33*a*. It shall be the duty of the board of trustees of every urban school and they shall have power, to take possession of all property which has been acquired or given for separate school purposes and to hold the same according to the terms in which it was acquired or received, and to dispose by sale or otherwise, of any school site or property *or any part* thereof not required in consequence of a change of site, or other cause, to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 10th February, 1902.
Second Reading, 18th February, 1902.

(Reprinted as amended in Committee of
the Whole.)

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Street Railway Act

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Sub-section 4 section 18 of *The Street Railway Act*,
5 as enacted by section 1 of the Act passed in the first year of
the reign of His Majesty King Edward VII., chapter 25, and
sub-section 6 of section 18 of *The Street Railway*
Act, as enacted by section 2 of the Act passed in the first
year of the reign of His Majesty King Edward VII., chapter
10 25, shall apply to every street railway company now, or here-
after, established or incorporated, under any special Act of the
Legislature of the Province of Ontario, and shall be incorpora-
ted with, and deemed to be, parts of each of such special Act.

Rev. Stat. c.
208 s. 18 subs.
4 amended.

Fenders on
motor cars.

No. 142.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The Street Railway Act.

First Reading, 11th February, 1902.

Mr. LEYS.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Municipal Act and respecting
County Councils.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sections 66, 67, 68 and 69 of *The Municipal Act* are
5 repealed Rev. Stat.
c. 223 s. 66-69
repealed.
2. The council of every county shall consist of the reeves of
all villages and townships within the said county and the
reeves of all towns not separated from the county for municip-
al purposes. County coun-
cils, how
composed.
- 10 3. From and after the coming into effect of this Act all the
provisions of *The Municipal Act* or any other Act inconsis-
tent with the foregoing sections of this Act shall be repealed. Repeal of
inconsistent
provisions
4. Section 94 of *The Municipal Act* is repealed and the
following substituted therefor : Rev. Stat.
c. 223, s. 94
repealed.
- 15 94. The election of councillors and reeves for townships
shall be held in every year. Such election shall be held on the
first Monday in January in every year except for such coun-
cillors as have been elected at the nomination and all persons
elected to any office shall hold the same until their successors
20 are elected or appointed or sworn into office and the new
council is organized. The first election hereunder shall be
held on the first Monday in January, 1903. Elections in
townships.
2. Section 95 of the said Act is amended by adding after
the word "county" the words "and Township." Rev. Stat.
c. 223, s. 95
amended.
- 25 3. Section 119 of the said Act, amended by section 9 of *The*
Municipal Amendment Act, 1899, is repealed and the follow-
ing substituted therefor : Rev. Stat.
c. 223, s. 119
repealed.
119. Save as otherwise provided by section 120 a meeting
of the electors shall take place for the nomination of the can-
30 didates for the offices of reeves and councillors in townships at
noon on the last Monday in December every alternate year at
the town hall of the municipality or at such place therein as
may from time to time be fixed by by-law subject to the pro-

Nominations
in townships.

visions of section 123. The first of such meetings shall be held on the last Monday of December, 1900.

Rev. Stat.
c. 223, s. 216
subs. 1
amended.

5. Subsection 1 of section 216 of *The Municipal Act* is amended by striking out the words therein "or the office of reeve of a township."

5

Rev. Stat.
c. 223 s. 216
amended.

6. Section 216 of the said Act be amended by adding thereto the following:

Vacancies in
township
councils.

4. In the event of a vacancy occurring in the office of reeve or councillor of a township by removal, death, resignation or otherwise and prior to six months before the expiration of the term of one year for which the reeve or councillors shall have been elected the vacancy or vacancies so occurring shall be filled by the election of a new reeve or a new councillor who shall hold office for the remainder of the term for which his or their predecessor or predecessors was or were elected; but if the office of reeve of any municipality should become vacant within six months prior to the expiration of the term for which he was elected a new election for the office of reeve shall not be necessary, but the councillors of such municipality shall elect one of their number as reeve to discharge the duties of reeve for the remainder of the said term and if the vacancy in the office of only one councillor shall occur within six months before the expiration of the said term for which said councillor was elected then an election to supply such vacancy shall not be held, but if a vacancy in the office of more than one councillor shall occur within six months before the expiration of the said term then an election to fill such vacancies for the remainder of the said term shall be held.

10

15

20

25

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Municipal Act
and respecting County Councils.

First Reading, 11th February, 1902.

Mr. TUCKER.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The San Jose Scale Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 4 of *The San José Scale Act* is amended by 61 V.. c. 33,
5 adding the following sub-sections :— s. 4, amended.

(1) All persons owning, leasing or managing any nursery, orchard or collection of plants, shall, when any plant therein becomes infested with the scale, and forthwith on becoming aware, whether by notice or otherwise, of such infestation, 10 destroy such plant by fire, or shall effectually treat the scale by fumigation, or by spraying with crude petroleum, kerosene or soap, or by any other material prescribed by the Minister. Duty of owners of plants infested.

(2) The council of any township or incorporated village may, and upon the petition of fifteen or more rate payers shall, 15 by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties. All such appointments, as well as such remuneration, fees or charges, shall be subject to, and be only 20 operative on the written approval of the Minister, communicated by him to the clerk of the municipality. Appointment of inspector.

(3) Every inspector appointed by any by-law passed under subsection 2 of this section is empowered to act as inspector under *The Yellows and Black Knot Act* and under *The* 25 *Noxious Insects Act* in all respects as if he had been appointed an inspector under the last mentioned Acts by by-laws specially passed for that purpose.

(4) All such inspectors appointed shall be subject to and observe the regulations and directions of the Minister, and 30 shall be subject and subordinate to the inspector appointed by the Minister, and in case of any neglect of duty, such inspectors shall be subject to the penalties prescribed by this Act. Regulations.

(5) The council of the township or incorporated village shall pay one-half of the remuneration, fees or charges of such inspectors, and the other half shall be paid out of such funds as 35 may be voted by the Legislature for that purpose. Remuneration of inspectors.

61 V., c. 33,
s. 12,
amended.

2. Section twelve of the said Act is amended by adding after the word "Act" in the third line of the said section the following words, "and any inspector appointed by the council of the municipality"

No. 144.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The San José Scale Act.

First Reading, 11th February, 1902.

MR. DRYDEN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The San Jose Scale Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 4 of *The San José Scale Act* is amended by 61 V.. c. 33, adding the following sub-sections :— s. 4, amended.

(1) All persons owning, leasing or managing any orchard or collection of plants, other than a nursery, shall, when any plant therein becomes infested with the scale, and forthwith on becoming aware, whether by notice or otherwise, of such infestation, destroy such plant by fire, or shall effectually treat the scale by fumigation, or by spraying with crude petroleum, kerosene or soap, or by any other material prescribed by the Minister. Duty of owners of plants infested.

(2) The council of any township or incorporated village may, and upon the petition of fifteen or more rate-payers shall, by by-law, appoint at least one inspector to enforce the provisions of this Act in the municipality, and fix the amount of remuneration, fees or charges he shall receive for the performance of his duties. All such appointments, as well as such remuneration, fees or charges, shall be subject to, and be only operative on the written approval of the Minister, communicated by him to the clerk of the municipality. Appointment of inspector.

(3) Every inspector appointed by any by-law passed under subsection 2 of this section is empowered to act as inspector under *The Yellows and Black Knot Act* and under *The Noxious Insects Act* in all respects as if he had been appointed an inspector under the last mentioned Acts by by-laws specially passed for that purpose.

(4) All such inspectors appointed shall be subject to and observe the regulations and directions of the Minister, and shall be subject and subordinate to the inspector appointed by the Minister, and in case of any neglect of duty, such inspectors shall be subject to the penalties prescribed by this Act. Regulations.

(5) The council of the township or incorporated village shall pay the remuneration, fees or charges of such inspectors, and shall be entitled to receive from the Department of Agriculture one-half of the amount so paid upon furnishing the department with statements of the sums so paid, certified to by the inspector appointed by the minister. Remuneration of inspectors.

61 V., c. 33,
s. 12,
amended.

2. Section twelve of the said Act is amended by adding after the word "Act" in the third line of the said section the following words, "and any inspector appointed by the council of the municipality"

No. 144.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The San José Scale Act.

First Reading, 11th February, 1902.
Second Reading, 25th February, 1902.

(Reprinted as amended in Committee of
the Whole.)

Mr. DRYDEN

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 145.]

BILL.

[1902

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 3 of section 606 of *The Municipal Act* is
5 amended by inserting after the word "mayor" in the fourth
line of the said sub-section the word "warden" and by insert-
ing after the word "township" in the seventh line of the said
sub-section the words "or a county."
- Rev. Stat.
c. 223, s. 606,
subs. 3,
amended

No. 145

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

Mr. RUSSELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Division Courts Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 128 of *The Division Courts Act* is repealed and
5 the following substituted therefor: Rev. Stat. c.
60 s. 128 re-
pealed.

128. The said money shall be paid to the plaintiff, less \$1 to
be paid over to the defendant for his trouble, if the plaintiff
within three days after the receipt of the payment into court
signifys in writing to the Clerk of the Court his acceptance
10 of the amount paid in, and in the absence of such notice to so
accept, the action shall proceed for the recovery of the balance. Acceptance
by plaintiff of
amount paid
into court.

2. Section 132 of the said Act is repealed and the following
substituted therefor: Rev. Stat. c.
60 s. 132 re-
pealed.

132. The clerk having received the necessary postage shall
15 forthwith send notice of such payment to the plaintiff by post,
or otherwise, to his usual place of abode or business, and the
sum so paid shall be paid to the plaintiff, and all proceedings
in the action stayed, if within three days after the receipt of
the notice the plaintiff signifies in writing to the clerk his ac-
20 ceptance of the amount paid in, otherwise the action shall
proceed as if brought originally for such remainder only. Procedure
after payment
into court by
defendant.

No. 146.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Division Courts
Act.

First Reading, 12th February, 1902.

Mr. BARR.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 117 of *The Municipal Act* is amended by inserting therein after the word "be" in the third line thereof the words " whenever he shall think proper or." Rev. Stat.
c. 223, s. 117,
amended.

2. Section 313 of *The Municipal Act* is amended by adding thereto the following subsection:— Rev. Stat.
c. 223, s. 313,
amended.

(2) Whenever by this Act any oath or affirmation or declaration is required to be taken or made by a Deputy Returning Officer, and no special provision is made therefor, the same may be taken or made before the Returning Officer for the ward or municipality or before the Poll Clerk or before any Justice of the Peace having jurisdiction in the municipality; and the deputy returning officer or any such Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act. Administra-
tion of oaths
to deputy
returning
officers and
poll clerks.

3. Section 534 of the said Act is amended by adding thereto the following:— Rev. Stat.
c. 223, s. 534,
amended.

By councils of cities or towns:—

(4) For entering upon, taking and acquiring so much land in the municipality as may be required for the purposes of a drill shed or armoury for any militia or volunteer force having their headquarters at the municipality, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of this Act, and for issuing debentures of the corporation for the amount sufficient to pay such compensation, and any debt incurred under such by-law shall be payable in thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this sub-section. Taking site for
drill shed or
armoury.

4. Section 583 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat.
c. 223, s. 583,
amended.

By the councils of cities and towns,

By-laws re- (42) For examining, licensing and regulating electrical
specting elec- workers.
trical workers.

Rev. Stat.
c. 223, s. 606,
amended.

Application
for summary
order to re-
pair.

5. Section 606 of the said Act is amended by adding thereto the following sub-section :—

5

(5) Provided that in case of default as aforesaid any rate-
payer whose property fronts on or adjoins the said public
road, street, bridge or highway, may on giving one month's
notice to the said corporation, apply by a summary proceeding
to a Judge of the High Court of Justice, or to the County 10
Judge having jurisdiction in the municipality, for an order
requiring the said corporation to keep the same in repair as
hereinbefore provided.

62 V. (2) c. 26,
s. 41, amended.

6. Section 41 of *The Municipal Amendment Act, 1899*, is
amended by striking out the word "and" after the word 15
"adjoins" in the third line of the said section, and inserting
the word "or" in lieu thereof.

62 V. (2) c. 26,
s. 46 repealed

7. Section 46 of *The Municipal Amendment Act, 1899*, is
repealed and the following substituted therefor :—

Ferries.

(46) The council of any township, town or village may pass 20
by-laws for the construction, purchase, or leasing of such ferries
as may be required to be used on or over any navigable water
separating a part of such municipality from any other muni-
cipality in the Province of Ontario, and may make an annual
grant for the purpose of maintaining such ferry or ferries. 25

No. 147.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

Mr. SMITH.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 148.]

BILL.

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 3 of Section 320 of *The Municipal Act* is
5 amended by striking out all the words after the word "salary"
in the sixth line thereof.

Rev. Stat.
c. 223, s. 320,
sub-s. 3,
amended.

No. 148.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

Mr. CARSCALLEN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Public Parks Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 17 of *The Public Parks Act* is amended by in- Rev. Stat.,
c. 243, s. 17,
amended.
5 serting the following sub-section:—

“3 *a.* In cities where this Act is in force the Council shall, Revision of
estimates of
board.
notwithstanding the provisions of the foregoing sub-section,
have the power to revise the estimates of the Board, and to
limit the rate to one-quarter of one mill on the dollar, or such
10 higher rate not exceeding one-half of one mill on the dollar as
the council may decide.”

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Parks Act

First Reading, 12th February, 1902.

MR. CARSCALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 150.]

BILL.

[1902.

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Sub-section 2 of section 14 of *The Public Libraries Act* is
5 amended by adding at the end thereof the following :—

Rev. Stat.
c. 232, s. 14

“ The council of cities of less than 100,000 inhabitants shall
have the power to revise the estimates of the board and to limit
the rate to one-quarter of one mill on the dollar or such higher
rate not exceeding one-half of one mill on the dollar as the
10 council may desire.”

Revision of
estimates and
limit of rate.

NO. 150.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Public Libraries Act

First Reading, 12th February, 1902.

MR. CARSCALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 151.]

BILL.

[1902.]

An Act to amend The Election Act.

HIS MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Subsection 5 of section 43 of *The Ontario Election Act* is
5 repealed.

Rev. Stat.
c. 9, s. 43,
sub-sec. 5,
repealed.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Election Act.

First Reading, 12th February, 1902.

Mr. CARSCALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 152.]

BILL.

[1902.

An Act to amend The Manhood Suffrage Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Section 51 of *The Manhood Suffrage Registration Act* is amended by striking out the word "city" in the fifth line thereof and substituting the word "province" in lieu thereof.

Rev. Stat.
c. 8, s. 51,
amended.

BILL.

An Act to amend The Manhood Suffrage
Registration Act.

First Reading, 12th February, 1902.

MR. CARSGALEN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 128 of the said Act is amended by adding at the end thereof the words "and be filed with the returning officer or the chairman within one hour from the time of opening of the meeting." Rev. Stat. c. 223, s. 128, subs. 1, amended.

2. Section 524 of the said Act is amended by adding thereto the following sub section:— Rev. Stat. c. 223, s. 524, amended.

(9) In case any indigent person possessing real estate within the municipality applies to the municipality to be maintained in such house of industry or house of refuge and is so maintained or applies for and receives aid from the municipality the cost of such maintenance or the amount of such aid given shall form a lien on the real estate of such person and all taxes and municipal rates against such real estate may stand during the pleasure of the council and form a lien against the property; upon the death of such person the council may sell and dispose of the property and apply the proceeds in payment of the actual cost of the maintenance of such person in such house with interest at the rate of six per cent. per annum, and in payment of such taxes and municipal rates on such property together with the cost of realizing thereon, the balance of the proceeds, if any, shall be paid to the person entitled thereto. Charge of maintenance in house of industry or other aid to indigents to be a lien on their lands.

3. Sub-section 5 of section 574 of the said Act enacted by section 19 of *The Municipal Amendment Act, 1898*, is amended by striking out the words "of over 100,000 inhabitants" and by inserting after the word "city" in the second line the words "or town." Rev. Stat. c. 223, s. 574, sub-s. 5, amended.

4. Section 669 of the said Act as amended by section 29 of *The Municipal Amendment Act, 1901* is repealed and the following is substituted therefor: Rev. Stat. c. 223, s. 669, amended.

(1a) The council may by by-law require that instead of being by publication as provided in the next preceding paragraph, the notice of the intention of the council to undertake as a local improvement shall be given to the owners of the properties to be benefited thereby by personal service or by leav- Service of notice of local improvement.

ing the notice at the place of business or residence of such owners respectively, or by mailing the same to the last known address of such owners, or by leaving the same with a grown up person on the premises when the owner's address or residence is unknown, and that a declaration of the officer or person charged with the duty of giving any such notice that the same was served or mailed as stated in the declaration shall be accepted as conclusive evidence of such service or mailing. 5

Rev. Stat.
c. 223, s. 677,
amended.

5. Section 677 of the said Act is amended by inserting after the word "plank" in the third line thereof the words "or cement," and by inserting after the word "cost" in the fifth line the words "or any portion." 10

No. 153.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading 12th February, 1902.

MR. CARSCALLEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 7 of the said Act is amended by inserting the
5 following as paragraph B :—
 (b) The preceding paragraph shall not apply to private
 schools (not being denominational institutions or maintained
 or supported by a religious denomination) whether incorpo-
 rated institutions of learning or otherwise.
 Rev. Stat.
 c. 221, s. 7,
 amend. d.
 Private
 schools not to
 be exempt.
- 10 2. The said Act is amended by inserting therein the follow-
 ing as section 18a :—
 Real property belonging to or in the possession of any per-
 son or incorporated company, and extending over more than
 one ward in any city or town, may be assessed together in any
 15 one of such wards at the option of the assessor, or the assess-
 ment of the property may be apportioned amongst two or
 more of such wards in such manner as he may deem con-
 venient and in all cases where such property is situate in a
 township or where it extends over or is situate in more than
 20 one ward or municipality such property, if assessed as a whole,
 shall be valued as a whole, and if assessed in two or more por-
 tions each portion shall be valued as an integral part of the
 whole.
 Rev. Stat.
 c. 224,
 amended.
 Assessment
 of property in
 more than one
 ward.
- 25 3. Sub section 1 of section 28 of the said Act is amended by
 striking out all the words after the words " estimated at " and
 substituting therefor the words " their fair value."
 Rev. Stat.
 c. 224, s. 28,
 subs. 1
 amended.
4. Sub-section 1 of section 29 of the said Act is amended by
 striking out the word " cities " in the third line and the words
 " two acres in cities " in the seventh and eighth lines thereof.
 Rev. Stat.
 c. 224, s. 29,
 subs. 1,
 amended.
- 30 5. Sub-section 2 of section 39 of the said Act is repealed
 and the following substituted :—
 (2) The personal property of incorporated companies, other
 than chartered banks, shall be assessed against the company
 in the same manner as if the company were an unincorporated
 Assessment
 of personal
 property of
 companies.

company or partnership. The personal property of a chartered bank shall be exempt from assessment, but the shareholders shall be assessed on the income derived therefrom.

Rev. Stat.
c. 224.

6. Section 192 of the said Act is amended by inserting therein after section 192 the following section :— 5

Tax sales not
to be invali-
dated by
reason of there
having been
distress on
the lands.

192a. No sale of lands for taxes in any city or town shall be invalid by reason of there having been goods or chattels within the county belonging to or in the possession of the person assessed for the lands or upon such lands liable to seizure for the taxes and of no levy by distress having been made upon any such goods or chattels for the payment of taxes due in respect of the lands, nor shall the lien of the municipality upon any land for taxes accrued thereon or the right to enforce payment of such taxes by distress or otherwise be lost or impaired by any Act, error or omission of an officer of the municipality or of any person authorized or employed to collect such taxes, but such taxes shall be and remain due and owing to the municipality until actually paid to or levied by some person authorized to receive payment therefor or to levy or distrain therefor. 10 15 20

No. 154.

5th Session, 9th Legislature,
2 Edward VII, 1902

BILL.

An Act to amend The Assessment Act.

First Reading, 12th February, 1902.

Mr. CARSCALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 155.]

BILL.

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Municipal Act is amended by adding thereto the following as section 714a: Rev. Stat.,
c. 223,
amended.

714a. "On the petition of two-thirds of the ratepayers of a police village, the council or councils of the county or counties in which the police village is situate, may by by-law enlarge the limits of the police village by adding adjoining
10 lands thereto, and thereafter such adjoining lands so added shall form part of the police village." Adding territory to
police village.

No. 155.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902

Mr. AULD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. *The Municipal Act* is amended by adding thereto the following section :

Rev. Stat.
c. 223
amended.

568a (1) Cities having a population of 100 600 or more are hereby authorized and empowered to generate or develop electric energy by means of water power or otherwise, either within the said city or elsewhere and are further authorized and empowered to enter into contracts or agreements with companies or persons for the purchase of electric energy and for the purpose of transporting and carrying electric energy so developed or purchased are hereby authorized to exercise and are hereby given the powers conferred upon the Bell Telephone Company of Canada to erect or construct poles, wires and conduits along the sides of and across or under any public highways, streets, bridges, watercourses or other such places under and by virtue of a certain Act of the Legislature of the Province of Ontario, intituled "*An Act to confer certain powers upon The Bell Telephone Company, of Canada,*" being 45 Victoria and chaptered 71, subject to the restrictions imposed therein, and are further authorized to contract and agree with any municipality, corporation, company or person for the purchase or lease of water power and lands in connection therewith and for erecting and constructing buildings, plant, machinery and appliances for the purpose of such development and is hereby given the power to purchase such lands and erect such buildings, plant, machinery and appliances and are further authorized and empowered to contract and agree with any municipality, corporation, company or person for the right to erect, construct, lay or affix any poles, conduits or wires or other necessary appliances, over, under or along the lands, ways, roads, public places or real property of such municipality, corporation, company or person, and are hereby authorized to carry or transport electric energy so developed or purchased thereon, and such cities may enter upon, take or use for the purpose herein authorized, any and all real property of any private corporation, company or person to the extent that may be necessary for the purposes herein authorized, making due compensation to the owners, occupiers of, or other persons

Powers of
cities of 100,
000 as to
development,
etc., of elec-
tric power.

interested in, such real property so entered upon, taken or used or injuriously affected thereby, to the extent and in the manner provided for "compensation for lands taken or injured" in *The Municipal Act*, and are further authorized to use, distribute, supply, sell or dispose of such electric energy in such cities or the vicinity thereof to any corporation, company or person, or to any municipality desiring to purchase, use, distribute, sell or dispose of electric energy along the route by which such electric energy may be carried or transported, and either for use or distribution, and are further authorized to build, erect construct, lease or purchase and operate buildings, plant, machinery or appliances for producing or transforming such electric energy for any purpose for which it is or may be used, or for any of the purposes hereinbefore specified, and any such cities may enter into a contract with any other municipality for doing jointly any matter or thing which is herein provided may be done by such cities, and any other municipality desiring to enter into a contract with the said cities, or one of them, for any of the purposes herein specified, is hereby authorized so to do.

Term of
contract.

(2) Any contract or agreement herein provided for may be made for such time as the council of any such municipality may deem proper.

Issue of
debentures.

(3) And for any purposes herein authorized such cities shall be at liberty from time to time to issue debentures by or with the consent of the ratepayers authorized to vote upon money by-laws or to pay therefor out of the year's taxation as to the councils of the said cities may seem right and proper.

No. 156.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

Mr. CRAWFORD.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. *The Municipal Act* is amended by inserting therein the 5 following as Section 678 *a*. Rev. Stat. c. 223, sec. 741, amended.

(1) It shall be lawful for the council of the corporation of any township in which a police village is situated upon the application of the trustees of such police village by by-law to provide from the general funds of the municipality or to raise 10 by way of loan on the credit of the debentures of the municipality 40 per cent. of that part of the cost of the construction of granolithic stone, asphalt or brick sidewalks upon leading or principal streets of the police village as local improvements on the property benefited, in addition to the part of such cost 15 to be provided by the municipality, and to add said 40 per cent. to the part of the cost of the construction of said sidewalks to be provided by the municipality and to issue debentures for the amount thus obtained, and it shall not be necessary to submit the by-laws of the said corporation 20 authorizing the issue of the said debentures to or to have the assent of the electors of the municipality before the final passing thereof; and the by-law for carrying the provisions of this section into effect both as to selecting streets and providing the necessary funds shall be passed by the council of 25 the township upon the application of the trustees of the police village. Where sidewalks have been or are hereafter made under this section the property assessed for the said 60 per centum for or towards such construction shall be exempt from any general rate or assessment for the like purpose under section 680 of this Act to the extent of 60 per centum of such 30 rate only.

(2) The remainder of that part of the cost of constructing the said sidewalks, falling on the property benefited, after the said 40 per cent. has been deducted, shall be assessed for and 35 dealt with in the manner provided in this Act as to assessments for local improvements in other cases. 57 V. c. 50, s. 16 (2).

(3) Subsection 1 of section 400 of this Act shall apply to by-laws and debentures passed and issued under this section. 57 V. c. 50, s. 16 (3).

2. Section 741 of *The Municipal Act* is amended by adding thereto the following words: "And may pass by-laws for entering into contracts for the supply of light or heat by any person or company to the police village or the residents therein," and doing all things necessary for such purposes 5 within the limits of the police village.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

Mr. HISLOP.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 158.]

BILL.

[1902.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- Notwithstanding the provisions of section 11 of the Act
- 5 passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, and chaptered 33, every municipal council shall, by a two-thirds vote of the members thereof, have the power of exempting any manufacturing establishment or any building for the storage of ice for commercial purposes or any water
- 10 works or water company in whole or in part from taxation, except as to school taxes, for a period not longer than ten years, and to renew this exemption for a further period not exceeding ten years.
- By-laws exempting ice storage plant from taxation.

No. 158.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

MR. HILL.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act re pecting the Sale of Intoxicating Liquors
in the Province of Ontario.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, en-
acts as follows:—

1. This Act may be cited as *The Liquor Act, 1902.*

PART I.

- 5 2. There shall be submitted to the vote of the electors here Question to be
submitted to
electors.
inafter declared entitled to vote thereon the following ques-
tion:—

Are you in favour of bringing into force *The Liquor Act,*
1902.

- 10 (2) The voting shall take place upon the said question in Proclamation
to name date
of voting.
all the electoral districts in this Province on the 14th day
of October in the year 1902, being the second Tuesday in the
said month.

- 15 3. The persons entitled to vote upon the said question shall Who may
vote.
be all persons whose names shall appear on the voters lists
used or which would have been used had a poll been held
at the next general election of members to serve in the Legis-
lative Assembly, held after the passing of this Act, as entitled
to vote and who were entitled to vote at the said election,
20 and who shall have been from the date of the said general
election and until the date of voting on the said question
residents of and domiciled in the Province of Ontario and
whose names are duly entered in the poll books to be used for
the purpose of the voting under this Act.

- 25 4.—(1) The Lieutenant Governor in Council shall appoint a Returning
officer.
returning officer for each electoral district to take the said vote.

- (2) In case any person so appointed shall refuse to act, or
shall be absent or shall be or become incapacitated or unable
from sickness or any other cause, or dies after such appoint-
30 ment, the Lieutenant-Governor in Council may appoint some
other person as returning officer.

(3) No person shall be appointed to act as returning officer, or deputy returning officer, or as returning officer's clerk or poll clerk under this Part who is disqualified from acting in the like capacity under section 24 of *The Ontario Election Act*. And in case any person acts in contravention of this sub-section he shall incur a penalty of \$200. 5

Writ and documents to be forwarded to returning officers.

5.—(1) The Clerk of the Crown in Chancery shall issue a writ in His Majesty's name to every returning officer requiring him to hold a poll for taking the votes upon the said question and shall supply him with a sufficient number of blank poll-books for the purpose of such voting, having regard to the number of polling sub-divisions within the electoral district, and the blank voters' lists in such poll books shall be in form 5 in schedule A to this Act, and each of such poll-books shall show the date of the polling day and shall contain the following blank forms :

Rev. Stat., c. 7.

1. Commission of deputy returning officer.
2. Oath of deputy returning officer.
3. Copy of the certificate of the clerk of the municipality showing the time fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the county judge under section 17 of *The Ontario Voters' Lists Act*. 20
4. Commission of poll clerk.
5. Oath of poll clerk. 25
6. Oath and affirmation of secrecy.
7. Schedules for names of persons voting under certificates.
8. Schedule of voters whose ballot papers have been marked under section 61.
9. Schedule for "Notes of objections" to ballot papers under section 65. 30
10. Statement of the poll after counting the ballot papers.
11. Ballot paper account.
12. Oath of deputy returning officer after closing the poll.
13. Oath of poll clerk after closing the poll. 35
14. Copy of certificate of clerk of municipality as to dates of return and final revision of the assessment roll.

(2) The Clerk of the Crown in Chancery shall at the same time transmit to every returning officer as many copies of the notice as to secrecy set out in form 10 in the schedule A to this Act as will be sufficient to supply every deputy returning officer with ten copies, and the deputy returning officer shall placard one copy of such notice conspicuously outside the polling place, and one copy he shall placard conspicuously inside the polling place, and he shall see that they remain so placarded from the opening until the close of the poll. 40

AGENTS.

- 6.--(1) Every returning officer appointed for the purpose of this Act shall by writing under his hand appoint from among the applicants for such appointment, or on behalf of persons applying to have such appointment made, two agents to attend at each polling place, and at the final summing up of the votes on behalf of those desirous of obtaining an affirmative answer to the question, and two agents so to attend on behalf of those desirous of obtaining a negative answer. Appointment of agents.
- (2) Before any person so appointed enters upon his duty as agent he shall make and subscribe before the returning officer, or any deputy returning officer, a declaration to the effect that he is interested in and desirous of obtaining an affirmative or negative answer, as the case may be, to the question; which declaration may be in the form 11 in the schedule A to this Act. Declaration.
- (3) No person shall be so appointed who is not a resident of the electoral district in which he is to act. To be resident of electoral district.
- (4) Every person so appointed, before being admitted to the polling place, or to the final summing up of the votes, as the case may be, shall produce to the deputy returning officer his written appointment. To produce appointment before acting.
- (5) In case no person has been appointed as aforesaid to attend at any polling place, or at the final summing up of the votes, or in the absence of any person so appointed, any electors, not exceeding two in the same interest, may, upon making and subscribing a declaration to the above effect, before the deputy returning officer or the returning officer, as the case may be, be admitted to the polling place or to the final summing up of the votes as agents on behalf of that interest. Wherein appointment has been made.

PROCLAMATION OF POLLING.

- 7.—(1) The Returning Officer, shall by a proclamation under his hand in the words in form 1 in Schedule A to this Act, declare the place, day and hour at which a poll shall be opened in each polling subdivision for taking and recording the votes of the electors upon the said question. Proclamation of time and place of voting.
- (2) The Returning Officer shall cause the proclamation to be posted up in the town hall of every municipality in the electoral district, at every post office, and in at least one public place in each polling subdivision in the electoral district. Posting proclamation.
- (3) It shall not be necessary in the Electoral Districts of Algoma West, Algoma East, Muskoka, Nipissing and Parry Sound, to post up the proclamation for holding the voting at every Post Office in the said Electoral Districts, but the proclamation shall be posted in some public place in the neighbourhood of each place at which a poll is required to be held. In unorganized districts.

Time for posting up. (4) The said proclamation shall be posted at least fifteen days before the day fixed for the polling.

Penalty for not posting up proclamation. 8. A Returning Officer refusing or neglecting to cause such proclamation to be posted up as above required, shall, for such neglect or refusal, incur a penalty of \$200. 5

When voting postponed. 9. In cases where from unforeseen delays, accident or otherwise, the proclamation for holding the poll could not be posted up so as to leave the required delay between the posting up of the proclamation and the polling day named in this Act, or by the Returning Officer, as the case may be, and in cases where from unforeseen delays, accidents, or otherwise as aforesaid, it is impossible to hold the polling within the prescribed hours on the day fixed for that purpose the Returning Officer may fix a day for the polling; and in such case the voting shall be on the nearest day practicable, not being a Sunday or statutory holiday, after allowing the number of days required by law between the posting up of the proclamation and the day of polling; and in every such case the Returning Officer shall, with his return, make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the voting. 10 15 20

POLLING PLACES.

Polling places in each polling subdivision. 10.—(1) The Returning Officer shall also, on receiving the writ, fix one polling place for each subdivision into which a city, town or other local municipality is subdivided, in the most central and convenient place for the electors of such subdivision; but the number of polling places now required by law at elections in cities and towns shall in no case be diminished, except as hereinafter provided, and the polling places shall be at least one hundred yards distant from each other in cities, towns and incorporated villages, and at least one mile distant from each other in other local municipalities. 25 30

Additional polling places in discretion of Returning Officer. (2) A Returning Officer may in his discretion grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary. 35

Returning Officer may unite polling subdivisions in cities. (3) In cities, the returning officer may in his discretion unite two or more adjoining polling subdivisions and fix one polling place for the united subdivision: Provided always that such united polling subdivision shall not contain more than 200 voters. 40

Polling place not to be a tavern. (4) The building in which the poll is held shall not be a tavern or place of public entertainment; and there shall be free access to the poll for every elector. 45

Polling places in cities (5) In cities the returning officer shall provide suitable polling places, but shall before so doing, when practicable, con-

fer with the city clerk or treasurer, and the expense thereof not exceeding six dollars for each polling place, shall be paid by the treasurer of the city upon the order of the returning officer.

- 5 **11.** Every polling place shall be furnished with compartments in which the voters can mark their votes screened from observation; and it shall be the duty of the Returning Officer and the Deputy Returning Officer respectively, to see that a sufficient number of compartments is provided at each polling
10 place.

Compartment
for voters to
mark ballots.

BALLOT BOXES.

- 12.**—(1) The Returning Officer shall also, on receiving the writ, procure or cause to be procured as many boxes (herein-
after called ballot boxes) as there are polling sub-divisions
15 within the Electoral District.

Ballot boxes to
be furnished.

- (2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.
- 20 (3) If the Returning Officer fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

How made.

Penalty on
failure to
furnish boxes.

OATH OF RETURNING OFFICER.

- 25 **13.** Every Returning Officer shall, before the day fixed for opening the poll take and subscribe before a Justice of the Peace for the County or District in which he resides, the oath Form 2 in Schedule A to this Act; and a Returning Officer who refuses or neglects to take and subscribe the oath, shall,
30 for such refusal or neglect, incur a penalty of \$40.

Oath of Re-
turning Offi-
cer.

Penalty.

RETURNING OFFICER'S CLERKS.

- 14.** Every Returning Officer shall, at least seven days before the polling, appoint, by a commission under his hand, to the effect of Form 3 in Schedule A to this Act, a fit person to be
35 his Clerk, and to assist him in the performance of his duties as Returning Officer.

Returning
Officer to ap-
point a Clerk.

- 15.** The Returning Officer's Clerk shall before entering upon his duties take and subscribe, either before a Justice of the Peace for the County or District in which he resides or before
40 the Returning Officer, the oath Form 4 in Schedule A to this Act.

Oath of
Returning
Officer's Clerk

- 16.** The oaths and commission mentioned in the three preceding sections may be either printed or written or partly printed and partly written on the back of the writ

Oaths may be
printed or
written on
back of writ.

Penalty for
refusing to act

17. A person so appointed as returning officer's clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of returning officer's clerk, shall, for such refusal or neglect, incur a penalty of \$40.

5

Provision in
case of death,
etc., of return-
ing officers'
clerk.

18. The returning officer may, either before or after the nomination day, appoint, in the manner above mentioned, another person as his clerk, whenever the case requires, either by reason of the death, illness or absence of the clerk previously appointed, or of his refusal or neglect to act, or otherwise; and the new clerk so appointed shall perform all the duties and comply with all the obligations of his office, under the same penalty, in case of refusal or neglect on his part, as is hereinbefore imposed in case of the refusal or neglect of the clerk to act, and the appointment and oath of a clerk appointed under this section shall be either endorsed on or attached to the writ of election and shall be in accordance with the provisions of sections 47 and 48 of this Act.

10

15

Provision in
case of death
etc., of Re-
turning
Officer.

19. Whenever a returning officer becomes unable to perform the duties of his office, whether by death, illness, absence or otherwise, the clerk by him appointed as aforesaid, unless another returning officer is duly appointed under section 22, shall, under the same penalties in case of refusal or neglect on his part as are hereinbefore imposed in like cases on the returning officer, act as, and shall be returning officer for the election, and shall perform all the duties and be subject to all the obligations of that office, in like manner as if he had been duly appointed returning officer, and without being required to possess any other qualification, or to take any new oath.

20

25

POLLING SUB-DIVISIONS.

30

Polling
sub divisions.

20. The polling sub-divisions for the purpose of taking the vote upon the said question shall be the same as at the said general election, and a poll book for each sub-division containing the names of all persons entitled to vote therein, according to Form 5 given in Schedule A to this Act shall be furnished for every polling place appointed therefor.

35

In Algoma
East and
Algoma West,

21.—(1) Polls shall be open and held at each of the places in the Electoral District of Algoma East and Algoma West named in section 61 of *The Ontario Election Act* and in the amendments thereto.

40

(2) The Lieutenant-Governor in Council may from time to time add other polling places to those named.

(3) The Returning Officer shall establish as many polling places at the places before mentioned as he may consider requisite, and may appoint other places in addition to those named in this section.

45

(4) There shall be at least one polling place in every municipality for which there is an assessment roll.

22. Polls shall be opened and held in the Electoral District of Nipissing in each of the organized municipalities in accordance with the provisions of this Act; and in such municipalities one of such polls shall be opened at or near the place where the last election of a member to the Legislative Assembly was held, and in the unorganized territory at such places as the Lieutenant-Governor in Council may direct. Polling places in Nipissing.

10

HOURS OF VOTING.

23.—(1) On the day of polling the voting shall commence at nine o'clock in the forenoon, and shall finish at five in the afternoon of the same day, and the votes shall be given by ballot. Hours of voting.

15 (2) A voter entitled to vote within a city or town shall, on the day of polling, for the purpose of voting, be entitled to absent himself from any service or employment in which he is then engaged or employed, from the hour of noon in the day-time until the hour of two of the clock next thereafter, and Right of employee to time for voting.

20 a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled; Provided, that if so required by the person in whose service or employment the voter is so engaged Proviso.

25 or employed, the voter so absenting himself shall, at some other time during the same or the following week employ himself in and about such service or employment for one hour more than the hours of the usual and ordinary day's work or service otherwise required to be performed by him; Provided, Proviso.

30 moreover, that this sub-section shall not apply where a voter is by his employer or master permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote.

DEPUTY RETURNING OFFICER.

35 **24.** For the purpose of taking the votes on the said question, the Returning Officer shall, by a commission under his hand, in the words or to the effect of Form 6 in Schedule A to this Act, and being Form 1 in the poll book appoint some suitable person resident in the electoral district to be Deputy Appointment of Deputy Returning Officers.

40 Returning Officer for every polling subdivision in which a polling place is to be opened and kept, and shall thereby require the Deputy Returning Officer to open and hold the poll according to law, at the time and place fixed as hereinbefore provided, and at the poll to take and record in the voters' list

45 in the poll book the particulars relating to electors voting at the polling place, which by this Act he is directed to take and record.

Oath of
office, etc.

25. Every Deputy Returning Officer shall, before acting as such, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, the oath Form 8 in Schedule A to this Act, being Form 2 in the poll book.

5

Penalty for re-
fusing to per-
form duties of
office.

26. A person so appointed a Deputy Returning Officer who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath or to perform the duties of a Deputy Returning Officer, shall, for his neglect or refusal, incur a penalty of 10 \$100.

Provision in
case of death,
etc., of Deputy
Returning
Officer.

27. The Returning Officer may appoint, in the manner above provided, another person to be Deputy Returning Officer, when and so often as the case may require the appointment, either by reason of the death, illness or absence of a Deputy Returning Officer previously appointed, or by reason of his refusal or neglect to act in that capacity, or otherwise: and the new Deputy Returning Officer so appointed shall perform all the duties and be subject to all the obligations of the office under the same penalties, in case of refusal or neglect on his part, as are hereinbefore imposed in like cases, and the appointment and oath of the person so appointed shall be similar in form to those provided for by sections 24 and 25 of this Act, and the same shall be endorsed upon or attached to the poll book.

25

BALLOT PAPERS.

Ballot papers
to be printed.

28.—(1) The Returning Officer shall cause to be printed such a number of ballot papers as will be sufficient for the purposes of the election; and the number necessary for each polling subdivision shall be bound or stitched in a book of convenient size, and in such manner that the counterfoils shall continue bound or stitched when the ballot papers are detached therefrom.

30

Counterfoil.

(2) Every ballot paper shall have a counterfoil attached thereto; and every ballot paper and every counterfoil shall specify the name of the Electoral District for which it is to be used and every ballot paper shall have a number printed on the back thereof, and the same number shall be printed on the face of the counterfoil attached thereto, but the same number shall not be printed on more than one ballot paper to be used for the Electoral District.

35

40

Sample
ballots.

(3) The Clerk of the Crown in Chancery shall supply every Returning Officer with a sample or model, showing the size and form of the ballot papers and counterfoils, and the ballots shall as nearly as may be conform to such sample.

45

Returning
officer to fur-

29. (1) The Returning Officer shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Return-

ing Officer, the books containing the ballot papers, with their respective counterfoils attached, which have been prepared for use in the polling subdivision for which the Deputy Returning Officer is appointed to act; and shall also furnish to
5 the Deputy Returning Officer, or see that he is furnished, with the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the Deputy Returning Officer, for the convenient use of voters, and the Deputy Returning Officer shall forthwith
10 enter in Form 12 in the poll book and being Form 22 in Schedule A hereto the number of ballot papers received by him from the returning officer opposite the words, "Ballot Papers."

(2) The ballot papers for the purpose of voting under this Act shall be in the following form:—

	YES.	NO.
Are you in favour of the bringing into force of <i>The Liquor Act, 1902</i> ?		

(3) An affirmative vote on the question submitted, shall be made by placing a cross (thus **X**) in the column headed "Yes," and a negative vote by placing a similar cross in the column headed "No."

BALLOT BOXES.

30. It shall be the duty of the Returning Officer, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election.

31. It shall be the duty of the Deputy Returning Officer, in every polling subdivision not supplied with a ballot box within the time prescribed in the next preceding section, forthwith to procure one to be made.

CERTIFICATES AS TO ASSESSMENT ROLL.

32.—(1) The Returning Officer shall, before the opening of the poll, obtain from the Clerk of the Municipality, the certificates hereinafter mentioned that is to say :

(a) A certificate shewing the day fixed for the assessor to begin to make the assessment roll on which the Voters' List proper to be used for the purposes of the voting on the said question is based, and shewing also the last day on which a complaint could be made to the County Judge under section 17 of *The Ontario Voters' Lists*

Act in respect of any error or omission in the said Voters' List, and such certificate shall be in the Form 8 in Schedule A hereto;

- (b) A certificate shewing the day when the assessment roll, upon which the said voters' list is based, was returned by the assessor, and also the day upon which the same was finally revised and corrected, and such certificate shall be in the Form 9 in Schedule A to this Act. 5

(2) The Returning Officer shall immediately enter copies of the said certificates in the proper poll books in Forms 3 and 15, in such Poll Books and shall certify thereunder that the same are true copies of the original certificates received by him from the said clerk. 10

Clerk to give certificate.

33.—(1) The Clerk shall give the said certificates upon being required so to do by the Returning Officer or any other person who applies for the same, and shall be subject to a penalty of \$200 in case of neglect or refusal. 15

Fee.

(2) For every such certificate the clerk shall be entitled to receive the sum of twenty-five cents. 20

Certificate to be evidence of dates.

34.—(1) The copies of the said certificates in the poll book shall be the evidence upon which the deputy returning officer shall act in inserting in the oath to be administered to voters the date of the return, or final revision, of the assessment roll, and the date for beginning to make the assessment roll, or the last day for making complaints as aforesaid, as the case may be. 25

References to last day for making complaints under Rev. Stat. c. 7.

(2) Where in any of the certificates or forms to be used at the voting on the said question, reference is made to the last day for making a complaint to the County Judge, it shall not be necessary to specify any section of *The Ontario Voters' Lists Act, 1889*, or of the Revised Statute respecting Voters' Lists, 1897, but it shall be sufficient to refer to *The Ontario Voters' Lists Act*. 30

LISTS OF VOTERS

What voters' list to be used.

Rev. Stat. c. 7.

35. Subject to the provisions in the next six sections contained, the first and third parts of the list of voters certified by the Judge, and delivered or transmitted to the Clerk of the Peace, under *The Ontario Voters' Lists Act*, before the date of the writs for the said next general election, shall be the proper list to be used at the voting on the said question. 35 40

Only the persons named in list in poll book to vote.

36. No person shall be admitted to vote unless his name appears on the list in the poll-book; and no question of qualification shall be raised except to ascertain whether the person tendering his vote is the same person intended to be designated in the said list. 45

38. Where a voters' list embraces territory comprising portions of two or more Electoral Districts, every clerk of the peace under the direction of the returning officer shall enter the names of the voters in such territory in the proper poll book or books.

Where voters' list embraces portions of Electoral Districts.

39.—(1) Every Returning Officer, shall deliver to the Clerk of the Peace as many blank poll books as there are polling subdivisions in the electoral district, and the said Clerk of the Peace shall without delay enter or
 10 cause to be entered in the poll book for each subdivision from the proper list of voters the name of every person appearing therefrom to be entitled to vote within the sub-division for which the said poll book is required, and the said Clerk of the Peace shall add to each poll book a certificate
 15 to the effect that the said poll book contains a true copy of the proper list of voters for the said polling subdivision; and the said poll books completed as aforesaid shall be re-delivered to the Returning Officer within four days from the date of their receipt by such Clerk of the Peace in blank, and the Return-
 20 ing Officer shall immediately cause the said poll books to be delivered to the deputy returning officers appointed to hold the polls throughout the electoral district.

Clerk of the Peace to enter names on voters' list in poll book.

(2) The Clerk of the Municipality who has the custody of a voters' list shall, if required by the Returning Officer, discharge the duties by this section assigned to the Clerk of the Peace.

40.—(1) In the case of cities and of towns to which *The Manhood Suffrage Registration Act* applies, the Clerk of the Peace, when entering into the poll book under the next preceding section the names of persons appearing to be entitled to vote within the subdivision for which the poll book is required, shall write on the first line of the poll book, in red ink, the words "Voters entitled under the joint municipal and assembly list," and shall, in the first place, enter in the poll
 30 book the names of the persons whose surnames commence with the letter A, and who are under the said joint municipal and assembly list, as revised by the Judge, entitled to vote at both municipal elections and elections to the Legislative Assembly, and no other names.

Poll books,—mode of entering names.

40 (2) When the said Clerk completes the list of names commencing with A, as aforesaid, he shall write on the line immediately below the last of said names the following words, in red ink, "Voters entitled under Manhood Suffrage." The Clerk shall then enter in the said poll book the names of the persons
 45 whose surnames commence with A, appearing in the last list of manhood suffrage voters prepared under *The Manhood Suffrage Registration Act*.

Entry at end of each alphabetical list.

Rev. Stat. c. 8.

(3) The Clerk shall in like manner proceed with the other names on the list revised by the Judge, and the list of manhood

suffrage voters, until he has entered in alphabetical order the names of all persons who are, under the said list as revised by the Judge, entitled to vote at both municipal elections and elections to the Legislative Assembly and all the names appearing in the said list of manhood suffrage voters, under headings distinguishing the different classes as aforesaid. 5

Signature of clerk of the peace.

(4) The Clerk shall sign his name immediately under the last name of each initial letter.

Certificate of clerk of the peace.

(5) The Clerk of the Peace shall on the last page of the poll book certify the date on which, as appearing by the Registrar's certificate appended to his list, the first sitting was held for the preparation of the manhood suffrage voters' list. 10

Deputies to prefix numbers to names in poll books.

41. The Deputy Returning Officer shall, upon receiving the poll books containing the voters' list for the polling subdivision for which he is to act, prefix a number to every name in such list, and the numbers so prefixed need not be consecutive numbers, but may be chosen arbitrarily by the Deputy Returning Officer; but the same number shall not be prefixed to more than one name; and the Deputy Returning Officer shall take all necessary precautions for concealing and shall conceal from all persons (except the Poll Clerk) the numbers so prefixed by him to the names in such list. 15 20

POLL CLERKS.

Appointment of poll clerks.

42.—(1) Every Deputy Returning Officer shall, by a commission under his hand and according to Form 12 in Schedule A to this Act, and being Form 4 in the poll book, appoint a Poll Clerk to assist him in taking the poll according to law; and every Poll Clerk appointed as aforesaid shall, before acting, take and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Returning Officer, or Deputy Returning Officer, the oath Form 13 in Schedule A to this Act, being Form 5 in the poll book. 25 30

Penalty.

(2) Every person so appointed a Poll Clerk who refuses to accept the office, or who, after having accepted the same, refuses or neglects either to take and subscribe the oath hereby required of him, or to perform the duties of a Poll Clerk, shall, for such neglect or refusal, incur a penalty of \$40. 35

Poll clerk to aid deputy returning officer.

43. Every Poll Clerk shall, at the polling place for which he is appointed, aid and assist in the performance of the duties of his office the Deputy Returning Officer appointed to open and keep the poll in conformity with this Act, and shall obey the orders of the Deputy Returning Officer. 40

To act as deputy returning officer in certain cases.

44. If the Deputy Returning Officer refuses or neglects to perform the duties of his office, or becomes unable to perform them, either by death, illness, absence or otherwise, and if no other Deputy Returning Officer duly appointed by the Return- 45

ing Officer in the place of the former appears at the polling place, then the Poll Clerk shall, under the same penalties as are hereinbefore imposed in like cases on a Deputy Returning Officer, act at the poll as Deputy Returning Officer, and perform all the duties and be subject to all the obligations of that office, in the same manner as if he had been appointed Deputy Returning Officer by the Returning Officer, and without being bound to take a new oath for that purpose.

45. Where any Poll Clerk, as hereinbefore provided, acts as Deputy Returning Officer, he may appoint by a commission under his hand, according to Form 12 in Schedule A to this Act, another person as Poll Clerk, to aid and assist him as aforesaid in the performance of the duties of his office, and may administer to such Poll Clerk the oath required of a Poll Clerk by this Act; and the Poll Clerk so appointed shall have the same duties and be subject to the same obligations as if he had been appointed Poll Clerk by the Deputy Returning Officer himself, and such commission and oath shall be endorsed on or attached to the poll book.

In which case he may appoint another poll clerk.

46. Where a Poll Clerk, appointed under the requirements of this Act, refuses or neglects to perform his duty, or becomes unable to perform it, either by death, illness, absence or other cause, the Deputy Returning Officer, whose Poll Clerk he was, may appoint by a commission under his hand, according to Form 12 in Schedule A, another person as Poll Clerk at the polling place, to aid and assist him as aforesaid in the duties of his office, and may administer to him the oath required of a Poll Clerk by this Act, and such commission and oath shall be endorsed on or attached to the poll book.

Deputy Returning Officer may appoint another Poll Clerk in certain cases.

WHERE VOTERS TO VOTE.

47. In case the name of a person entitled to vote is entered on the list of voters for more than one polling subdivision in an Electoral District, such person shall only vote at the polling place for the subdivision in which he resides, if entitled to vote in such subdivision, under a penalty of \$200, but this provision shall not affect his right to vote in another polling subdivision under a certificate properly granted under section 94 of this Act.

Voter to vote in subdivision in which he resides.

48. Where the voters' list to be used at the voting on the said question has been prepared under Part III of *The Ontario Voters' Lists Act* for any territory for which there is no assessment roll, subject to section 94, every person named therein may vote at the polling place assigned to him by such voters' list and not elsewhere.

Where voter to vote where no assessment roll.

Rev. Stat. c. 7.

49.—(1) The Returning Officer, on the request of any elector entitled to vote who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named an agent

Deputy Returning Officers and agents may

vote at polling places where they are employed at a polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is stationed during the polling day.

on production of certificate of Returning Officer. (2) On the production of the certificate the elector shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the polling subdivision where he would otherwise have been entitled to vote; but no such certificate shall entitle an elector to vote at such polling place unless he has been actually engaged as Deputy Returning Officer, Poll Clerk or agent during the day of polling, or shall entitle an agent to vote who is disqualified under section 6 of *The Ontario Election Act*.

Limitation of number of certificates to agents of candidates. (3) No Returning Officer shall, under a penalty of \$400, give to more than two agents in the same interest at one polling place, a certificate under this section; and every such certificate shall name the polling place at which the agent is to be permitted to vote and the interest in which he acts as agent; nor shall a Returning Officer issue a certificate under this section except upon the personal or written request of the elector; and no such certificate shall be signed by the Returning Officer until the name, residence, and occupation of the person to whom it is to be granted have been inserted therein.

Person receiving a certificate to take oath of qualification before voting. (4) No person who receives a certificate under this section whether as Deputy Returning Officer, Poll Clerk or agent, shall thereafter either at the polling place named in the certificate, or at any other polling place, vote upon the said question, until he has taken at the polling place where he proposes to vote, one or other of the oaths of qualification prescribed to be taken by voters, and any person violating the provisions of this subsection shall be subject to a penalty of \$400; and every vote cast in contravention of this subsection shall be null and void.

Before whom oath to be taken. (5) The oath of the Deputy Returning Officer shall be taken before the Poll Clerk, and the oath of a Poll Clerk or agent shall be taken before the Deputy Returning Officer as in the case of other voters.

Returning Officer to keep a list of persons obtaining certificates. (6) Every Returning Officer shall, before delivering the certificate, enter in a list (to be kept by him for a year after the election), the name and qualification of every person to whom he gives a certificate under this section, the polling place at which such person is, under the certificate, authorized to vote, and stating whether the certificate is granted to him as Deputy Returning Officer, Poll Clerk or agent; and, if as agent, the interest in which he acts as agent; the Returning Officer shall also in the list enter the name of every person applying for a certificate to whom it is refused, with the ground of refusal, and, if the last mentioned person claimed to be an agent, the interest in which he claims to act.

(7) The Deputy Returning Officer shall enter, or cause to be entered, in the proper schedule in the poll book, Form 7, the name, place of residence and occupation of every person (including himself if he so votes) voting under the authority of a certificate given under this section. The Deputy Returning Officer shall also shew in said schedule what form of oath was administered to such person in the following manner, namely, by entering in the said schedule opposite the name of such person; "Sworn, Form 16," or otherwise as the case may require."

Entry on list of persons voting under authority of a certificate.

(8) Every person proposing to vote by virtue of a certificate aforesaid, shall with his ballot paper deliver up to the Deputy Returning Officer the certificate, and the Deputy Returning Officer shall, at the close of the poll, enclose all the certificates received by him, in package (*h*) mentioned in section 68 of this Act.

Certificate to be delivered to Deputy Returning officer by person voting.

50. In case of a Deputy Returning Officer voting at the polling place where he has been appointed to be Deputy Returning Officer, the Poll Clerk appointed to act at the polling place, or in the absence of the Poll Clerk any agent authorized to be present, may administer to the Deputy Returning Officer the oath required by law to be taken by voters.

Administration of oath to deputy returning officer voting at his polling place.

THE POLL.

51. The Deputy Returning Officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place so that they may see that it is empty and shall count the ballot papers in the presence of the agents present, who may examine but not handle the same; and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking the seal; and he shall then place the box on a desk, counter or table or otherwise raised above the floor in the view of himself and of the persons entitled to be in the polling booth and who are there for the receipt of ballot papers, and shall keep it so locked and sealed.

Deputy to shew box empty and lock and seal it.

52. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:—

Conduct of Deputy on tender of vote.

1. He shall ascertain that the name of such person is entered or purports to be entered, upon the voters' list in the poll book for the polling subdivision for which the Deputy Returning Officer is appointed to act.

Name.

2. He shall enter or cause to be entered in the column of the voters' list in the poll book headed "Column for marks indicating that the voter has offered to vote," the initials of the person offering to vote.

Recording.

Oath. 3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by this Act, the Deputy Returning Officer shall enter, or cause to be entered, opposite such person's name, in the proper column of the voters' list in the poll book, the word "Sworn," or "Affirmed," according to the fact. 5

Objection. 4. Where the vote is objected to by an agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered, in the voters' list, in the poll book by writing opposite the name of such person, in the proper column, the words "Objected to," stating at the same time by which agent the objection has been made, by adding after the words "Objected to," the name only of such agent. 10

Refusal to take the oath. 5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list in the poll book, the words "Refused to be sworn," or "Refused to affirm," according to the fact. 15

Voter refusing to be sworn. 6. No person who has refused to take the oath or affirmation required by law, when requested so to do, shall receive a ballot paper or be admitted to vote; and the vote of such person if taken and received shall be null and void; and the Deputy Returning Officer, for having taken and received such vote, or caused the same to be taken and received, shall incur a penalty of \$200. 20 25

Deputy to sign his name on ballot paper and counterfoil. 7. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the poll book in the manner prescribed, the Deputy Returning Officer shall stamp or sign his name or initials upon the back of the ballot paper and upon the counterfoil; and he shall not put upon the said ballot paper any figure or mark, other than his name or initials. 30

Exhibiting initials of deputy returning officer to persons present. 8. The Deputy Returning Officer shall, if required by any agent present, exhibit the name or initials signed or stamped by such Deputy Returning Officer upon the back of the ballot paper before handing the ballot paper to the voter. 35

Voter may decline ballot not initialed. 9. Any person desiring to vote may decline to receive a ballot paper which has not the name or initials of the Deputy Returning Officer signed or stamped upon it. 40

Delivery of ballot to voter. 10. The ballot paper shall be detached from the counterfoil and delivered to such person.

Counterfoil to be retained. 11. The counterfoil shall be retained in the book by the Deputy Returning Officer, who shall write or otherwise mark upon the counterfoil the number prefixed to the name of such person upon the voters' list in the poll book; and opposite the name of such person in the voters' list in such poll book a

mark shall be placed to denote that he has received a ballot paper, but not shewing the particular ballot paper which he has received.

53.—(1) The Deputy Returning Officer shall receive the vote of every person whose name he finds in the proper list of voters in the poll book furnished to him, provided that such person, if required by an agent or by the Deputy Returning Officer himself, takes the oath or affirmation hereinafter mentioned, which the Deputy Returning Officer is hereby empowered to administer.

Persons on voters' list to be allowed to vote on taking oath if required.

(a) Where the person offering to vote is a person who is entitled to vote without a property qualification the oath to be taken shall be in accordance with Form 14 in Schedule A hereto, unless in cities and towns where a list was prepared under *The Manhood Suffrage Registration Act* for use at the general election next preceding the voting under this Act, the person offering to vote is entered in the poll book as entitled under manhood suffrage registration, in which case the oath to be taken shall be in accordance with Form 15 in the said Schedule, or unless in territory where there is no assessment roll and the Voters' List was prepared under Part III. of *The Ontario Voters' Lists Act*, in which case the oath to be taken shall be in accordance with Form 16 in the said Schedule.

Ordinary oaths.

Rev. Stat. c. 7.

(b) Where the person offering to vote is an unenfranchised Indian whose name appears on a Voters' List or poll book, he shall take the oath, Form 17 or Form 18 in the said Schedule.

Oath of unenfranchised Indian.

(c) Where the person offering to vote is a resident of an incorporated village which lies within two or more Electoral Districts and the Lieutenant-Governor in Council has issued a proclamation under section 12 of *The Revised Statute respecting Representation of the People in the Legislative Assembly* by reason of which the electors entitled to vote in the village are entitled to vote in the Electoral District in which they would have been entitled to vote if such village had not become incorporated, a change of residence from one part of the village to another, shall not deprive a person whose name is in the Voters' List of his right to vote; and in the oath to be administered to any such person desiring to vote, the words "and that you are still actually and in good faith a resident of and domiciled within this Village," shall be substituted for the words "and are now actually and in good faith a resident of and domiciled within this Electoral District." This provision shall also apply to the Village of Stouffville.

Oath where voter lives in incorporated village belonging to two districts.

Rev. Stat. c. 6.

(2) The expression "proper list of voters" in this section shall mean the list of voters which was used or would have been used had a poll been taken at the last general election to the Legislative Assembly, preceding the voting under this Act; and no person entitled to vote as a manhood suffrage voter under the provisions of this Act shall be debarred from voting at any election under this Act because there is not entered after or opposite his name in the proper column of the voters' list in the poll book either the letters "M.F.," or any other letters, description, matter, or particular required, or directed to be entered after or opposite his name in any such column either by this Act or any other Act whatsoever. 5 10

(3) Except as in this Act otherwise specially provided, no other oath or affirmation shall be required of a person whose name is entered on any such list of voters as aforesaid. 15

54. Whenever a Deputy Returning Officer has reason to know or believe that fraud or violence is being practised in violation of the rights of electors, by which undue votes are tendered, or that a person offering to vote is not qualified, or has already voted at the election and offers to vote again, or tenders his vote under a false name or designation, or personates or represents himself falsely as being on the list of voters in the poll book, the Deputy Returning Officer, under a penalty of \$200, shall administer the oath authorized by law to the voter, whether he be required to do so or not by any party; and mention thereof shall be made in the list of voters as aforesaid. 20 25

Deputy Returning Officer must swear voters in certain cases.

Penalty.

55. The Deputy Returning Officer shall take all necessary precautions for concealing, and shall conceal, as far as possible, from all persons present (including the Poll Clerk and agents as well as all other persons), the number printed upon the ballot paper delivered to any person, and upon the counterfoil which was attached thereto, and shall not permit the counterfoil to be inspected by any person. 30

Deputy to conceal number on the ballot paper.

56. The Deputy Returning Officer may, and upon request shall, either personally or through his Clerk, explain to the person offering to vote, as concisely as possible, the mode of voting. 35

Deputy to explain mode of voting.

57. Whenever an elector does not understand the English language, the Deputy Returning Officer may employ an interpreter to translate the oath or affirmation required of the elector, as well as any lawful questions necessarily put to him, and his answers; and the interpreter shall take before the Deputy Returning Officer the oath (or, if he be one of the persons permitted by law to affirm in civil cases, the affirmation) following: 40 45

Interpreter may be employed in certain cases.

Oath. "I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the Deputy Returning Officer shall require me to translate at this election: So help me God."

58. Upon receiving from the Deputy Returning Officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into one of the compartments provided for the purpose, and shall then and therein mark his
 5 ballot paper in the manner mentioned in section 29 of this Act, and he shall then fold the ballot paper across so as to conceal the face of such paper, and so as to expose the initials of the Deputy Returning Officer, and the number on the back, and leaving the compartment, shall, without delay and without
 10 shewing the front to any one, or so displaying the ballot paper, as to make known to any person how he has marked his vote, deliver the ballot paper so folded to the Deputy Returning Officer, who shall, without unfolding the same, or in any way disclosing the mark made by the elector, verify his own initials, and
 15 the number on the back of the paper, and at once deposit the same in the ballot box in the presence of all persons entitled to be present, and then present in the polling place; and the voter shall forthwith leave the polling place.

Voter marking ballot paper.

59. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be
 20 allowed to enter the compartment, or be in any position from which he can observe the mode in which the voter marks his ballot paper.

Exclusion from balloting compartment.

60. No person who has received a ballot paper from the Deputy Returning Officer shall take the same out of the
 25 polling place; and a person having so received a ballot paper who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, shall thereby forfeit his right to vote, and the Deputy Returning
 30 Officer shall make an entry in the voters' list, in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be, and in the latter case the Deputy Returning Officer shall
 35 immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the Returning Officer.

Voter not to take his paper from polling place, etc.

61. In case of an application by a person claiming to be entitled to vote, who is unable to read or who is incapacitated
 by blindness or other physical cause from marking his ballot
 40 paper, and in case such person makes a declaration that he is unable to read or that he is incapacitated as aforesaid the proceedings shall be as follows:—

Proceedings in case of incapacity to mark paper.

1. The Deputy Returning Officer shall, in the presence of the agents, cause the vote of such person to be marked on a
 45 ballot paper in manner directed by such person, and shall cause the ballot paper to be placed in the ballot box.

2. The Deputy Returning Officer shall state or cause to be stated in the poll book by an entry opposite the name of such person in the proper column, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked ; he shall also make a corresponding entry in Form 9 in said poll book, and in the proper columns thereof, giving the name and number of such person in the poll-book and the cause of inability. 5

3. The declaration of inability to read or mark a ballot paper may be according to Form 21 in Schedule A to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to Form 22 in Schedule A to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting. 10 15

Proceedings in case ballot paper spoiled so that it cannot be used.

62. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "Cancelled" upon the ballot paper and upon the counterfoil, and preserve the ballot paper to be returned to the Returning Officer. 20 25

What shall be deemed a tender of a vote, and a voting.

63. Every person applying for a ballot paper under this Act shall be deemed to tender his vote, or to offer or assume to vote ; and any person shall be deemed to have voted who has put his ballot paper into the ballot box, or has caused the same to be put into the ballot box, or has delivered the same to the Deputy Returning Officer or Poll Clerk, for the purpose of having the same put into the ballot box. 30

Who may be present at polling place.

64. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the clerk or agents authorized to attend at such polling place, and such persons as are for the time being actually engaged in voting ; but it shall at all times be lawful for the Deputy Returning Officer to have present, or to summon to his assistance in the polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing a breach thereof, or of removing any person or persons who may, in the opinion of the Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. 35 40 45

Counting of votes.

65. Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence

of the Poll Clerk, and of such of the agents as may then be present, open the ballot box, and proceed to count the votes as follows :—

1. He shall examine the ballot papers, to ascertain if they
 5 are the ballot papers which he supplied, and such examination shall be made and completed before opening any of the ballot papers, and for the purpose of so ascertaining he shall, after opening the ballot box proceed first to count the whole number of ballot papers in the box without opening any of
 10 them, and if the number corresponds with, or does not exceed the number of persons who voted, no further examination to ascertain as aforesaid shall be made. If the number of ballot papers in the box exceeds the number of persons who voted he shall, without opening the ballot papers, examine the backs
 15 thereof so far as may be necessary to see his name or initials, and shall, except as provided in the next subsection, reject any papers not having thereon his name or initials. After such examination is completed to the extent necessary he shall proceed to examine the ballot papers, (or the ballot papers not
 20 rejected, as the case may be) in order to count up the votes given in the affirmative and negative respectively upon the said question, keeping the ballot papers with their printed faces upwards, and taking all precautions not to see or to permit any person to see the number printed on the back of
 25 any paper.

Ballot papers to be examined.

Deputy returning officer not to open ballots while counting or examining numbers.

2. Where upon counting the whole number of ballot papers it is found that the number of ballot papers is the same as the number which has been given by the Deputy Returning Officer to, and which were used by voters, the omission of the Deputy
 30 Returning Officer to sign or stamp his name or initials on some of such ballot papers shall not be a ground for the rejection of the same.

When uninitialed ballot not to be rejected.

3. Every ballot paper which has not been supplied by the Deputy Returning Officer, or on which anything in addition
 35 to the printed number and the initials or name of the Deputy Returning Officer on the back is written or marked, by which the voter can be identified, shall be void and shall not be counted; but, subject to the provisions hereinbefore in this section contained as to the omission of the Deputy Returning Officer to
 40 sign or stamp his name or initials upon a ballot paper, no word or mark written or made, or omitted to be written or made, by the Deputy Returning Officer, on a ballot paper, shall avoid the same.

Ballot papers which are not to be counted.

4. The Deputy Returning Officer shall take a note in Form
 45 10 in the poll book of any objection made by an agent, or by any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection; and the decision of the Deputy Returning Officer shall be final.

Objections to ballot papers

5. Every objection to a ballot paper shall be numbered, and
 50 a corresponding number shall be placed on the back of the

Objections to be numbered.

ballot paper, and shall be initialed by the Deputy Returning Officer.

Rejected ballots to be endorsed.

6. The Deputy Returning Officer shall endorse "Rejected" on every ballot paper which he may reject as invalid, and shall endorse "Rejection objected to," if any objection be made to his decision. 5

Statement of result.

7. The Deputy Returning Officer shall then count up the votes given for the affirmative and negative respectively upon the said question, upon the ballot papers not rejected and make up a written statement, according to Form 19 in Schedule A hereto, being Form 11 in the poll book, of the number of ballot papers rejected and not counted by him, and the number of those rejected shall be entered in said poll book under the several heads following:— 10

Contents of statement of Deputy Returning Officer.

(a) Number of papers rejected as wanting signature or initials of Deputy Returning Officer; 15

(b) Number of papers rejected as having a writing or mark by which voter could be identified; 15

(c) Number of papers rejected as marked for both the affirmative and the negative upon the said question or as unmarked or void for uncertainty; 20

and the said statement shall also show the total number of persons who have voted at such polling place and shall forthwith be signed by the Deputy Returning Officer and poll clerk and such of the agents as may be present and desire to sign it. 25

Deputies to certify the number of voters.

66. Every Deputy Returning Officer shall, at the close of the poll, certify over his signature in Form 11 in the poll-book in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside. 30

Certificates of the state of poll.

67. At the close of the poll the Deputy Returning Officer on being requested so to do, shall deliver to each of the agents, or in the absence of the agents, to the electors present, a certificate of the number of votes given for the affirmative and negative respectively upon the said question and of the number of rejected ballot papers, and he shall also forthwith make out the ballot paper account in the form required by section 70 of this Act. 35

Deputy Returning Officers' duties after votes are counted.

68. (1) Every Deputy Returning Officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents, make up into separate packets, sealed with his own seal, and the seals of such of the agents as desire to affix their seals, and marked upon the outside with the proper letter of the alphabet and a short statement of the contents of the packet, as in this section mentioned, the date of the day of the election, the name of the Deputy Returning Officer, and the polling subdivision and Electoral District: 40 45

(a) The used ballot papers which have not been objected to and have been counted ;

(b) The ballot papers which have been objected to but which have been counted ;

5 (c) The rejected ballot papers ;

(d) The unused ballot papers and the counterfoils of the ballot papers ;

(e) The spoiled ballot papers ;

10 (f) The ballot papers given to voters who afterwards returned the same, declining to vote ;

15 (g) The declarations of " Inability to read " and " Physical incapacity " taken under section 61 of this Act, with the attestations thereto and all certificates received by the Deputy Returning Officer including any certificate issued to a voter under section 28 of *The Manhood Suffrage Registration Act*. Rev. Stat. c. 8.

(2) After all the oaths have been taken and subscribed and all the entries made in the poll book as by this Act required, the Deputy Returning Officer shall in the presence of the
20 agents enclose the said poll-book in a separate packet and write thereon the words " Poll book " and also the date of the election, the name of the Deputy Returning Officer, the name or number of the polling sub-division, the municipality, and the electoral district.

25 **69.** The Deputy Returning Officer shall forthwith deliver the packets personally to the Returning Officer ; and if he be unable to do so, owing to illness or other cause, he shall deliver the packets to a person chosen by him for the purpose of delivering the same to the Returning Officer ; and shall mention
30 on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor, and the person so chosen shall after having delivered the said packets to such returning officer, make oath before him to the effect of Form 26 in Schedule
35 A hereto.

Certain packets to be delivered to the returning officer.

70. The poll book shall contain a statement made by the Deputy Returning Officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted ; (2) Rejected ; (3) Unused ; (4) Spoiled ;
40 (5) Ballot papers given to voters, who afterwards returned the same, declining to vote ; and (6) Ballot papers taken from the polling place ; which statement shall be in Form 20 in Schedule A hereto, and being Form 12 in the poll book, and is in this Act referred to as the " Ballot Paper Account." Ballot paper account.

No scrutiny by Returning Officers. **71.** No Returning Officer or Deputy Returning Officer shall grant, make or enter into a scrutiny of the votes.

Oath to be made by Deputy Returning Officer on close of poll. **72.** The Deputy Returning Officer who has kept and closed the poll, shall, immediately after the closing thereof make and subscribe, either before a Justice of the Peace for the County or District where he re-ides, or before the Returning Officer or the Poll Clerk, the oath, Form 23 in Schedule A to this Act, and being Form 13 in the poll book. 5

Oath to be made by Poll Clerk on close of poll. **73.** Every Poll Clerk shall, immediately after the close of the poll at which he has acted, make and subscribe, either before a Justice of the Peace for the County or District in which he resides, or before the Deputy Returning Officer, or before the Returning Officer the oath, Form 24 in Schedule A to this Act, and being Form 14 in the poll book. 10

Delivery of ballot boxes to Clerk of Municipality **74.** Within one week after the close of the election, every Deputy Returning Officer shall deliver the ballot box used in his polling subdivision to the Clerk of the Municipality within which the polling subdivision is situate; and the ballot boxes delivered to the Clerk shall be preserved by him for use at elections for the Electoral District. 15 20

Counting of the votes by the Returning Officer. **75.** The Returning Officer, after he has received the packets before mentioned, shall, at the time and place named in his proclamation open the packets containing the several poll books and shall not open any other of the sealed packets, and from the statements of the poll contained in Form 11 of the said several poll books shall cast up the number for the affirmative and negative respectively, and as soon as he has thus ascertained the result of the poll, he shall forthwith declare the same. 25

RECOUNT.

30

Recount. **76.** A recount of the ballots cast upon the said question in any electoral district may be had under the like circumstances and in the same manner as in the case of an election of a member to serve in the Legislative Assembly, and all the provisions of *The Ontario Election Act* respecting a recount of ballots shall *mutatis mutandis* apply to a recount under this section, but there shall be no appeal from the decision of the county or district judge conducting such recount. 35

RETURN, PRESERVATION OF DOCUMENTS, ETC.

Time within which return to be made to Clerk of the Crown in Chancery. **77.** The Returning Officer shall make and transmit his return to the Clerk of the Crown in Chancery within ten days after he has ascertained the result of the poll, unless he has received notice of a recount, in which case he shall delay making his return until he receives a certificate from the county 40

judge of the result of the recount, and upon receipt of the certificate the Returning Officer shall proceed to make his return.

78.—(1) The Returning Officer shall at the same time
 5 transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, sealed with the seal of the Returning Officer, all the packets of ballot papers in his possession, declarations of inability to read or mark, packets of counter-foils, poll book and all other documents sent by the Deputy-
 10 Returning Officers, endorsing on the package a description of its contents, and the date of the voting to which they relate, and also the name of the Electoral district for which the voting was held; and the return and the package, so directed as aforesaid to be transmitted to the Clerk of the Crown in
 15 Chancery, may be transmitted by express or through the post-office, after having been duly registered.

Returning Officer to transmit to Clerk of the Crown in Chancery the ballot papers, etc.

(2) An oath to the effect set forth in Form 27 in Schedule A to this Act shall be taken by every Returning Officer forth-
 with after transmitting his return to the Clerk of the Crown
 20 in Chancery, and the said oath shall be thereupon forthwith transmitted by him to the Clerk of the Crown in Chancery, by post and in an envelope duly registered.

Oath of Returning Officer after transmitting return.

79. The poll books, voters' lists, ballot papers and counter-foils and all other documents returned to the Clerk of the
 25 Crown in Chancery under this Act shall be kept by him securely under lock and key and he shall not permit any person to inspect or examine the same or any of them, except under an order of a judge upon any prosecution or other proceeding under this Act, which order shall be given under the like
 30 circumstances and in the like manner as nearly as may be as under *The Ontario Election Act*.

Inspection of documents.

PRESERVATION OF THE PEACE AT VOTING.

80. From the time when a Returning Officer or Deputy
 Returning Officer has taken and subscribed the oath of office
 35 until the day next after the final closing of the polls, the Returning Officer and every Deputy Returning Officer, shall respectively be conservators of the peace, and for the main-tenance of the peace, and for the arrest, detention, or admis-
 40 sion to bail, trial and conviction of any person or persons who break the law or trouble the peace shall be invested with the same powers with which Justices of the Peace are invested in this Province.

Returning Officer and Deputies to be conservators of the peace.

81. Any Returning Officer or Deputy Returning Officer
 may require the assistance of all Justices of the Peace, con-
 45 stables, and other persons present at any polling place, to aid him in the maintenance of the peace and of good order at the voting, and may also swear in as many special constables as he deems necessary.

Justices, etc., may be required to aid in keeping the peace.

Special constables to be sworn in in certain cases.

82. On a requisition in writing made by a candidate or by his agent, or by any two or more electors, a Returning Officer or Deputy Returning Officer shall swear in such special constables.

Returning Officer or Deputy may order arrest of persons disturbing the peace.

83. Any Returning Officer or Deputy Returning Officer may arrest or cause to be arrested, by verbal order, and may place in the custody of one or more constables or other persons, for such time as in his discretion he deems expedient, any person disturbing the peace and good order, or may cause such person to be imprisoned for any such offence, under an order signed by him, for a period not later than the final closing of the poll, respectively; which order all persons shall obey without delay under a penalty of \$20 for any refusal or neglect so to do.

Penalty.

Such arrest not to prevent other punishment.

84. No such arrest, detention or imprisonment shall in any manner exempt the person so arrested, detained, confined or imprisoned, from any punishment or penalty to which he has become liable by reason of anything by him done contrary to the true intent and meaning of this Act or otherwise.

Returning Officer or Deputy may demand surrender of all weapons.

85. A Returning Officer or Deputy Returning Officer may, during any part of the day whereon the voting under this Act is to be begun, holden or proceeded with, demand and receive from any person whomsoever, any offensive weapon, such as firearms, swords, staves, bludgeons or the like, with which any such person is armed, or which any such person has in his hands or personal possession; and every person who upon demand declines or refuses to deliver up to the Returning Officer or Deputy Returning Officer, any offensive weapon as aforesaid, shall incur a penalty of \$20.

Penalty.

Penalty on persons convicted of battery.

86. Every person convicted of a battery committed during any part of any day whereon the voting under this Act is to be begun, holden or proceeded with, within the distance of two miles of the place where a poll is so begun, holden, or proceeded with, shall incur a penalty of \$50.

Restrictions as to carrying arms while poll is open.

87. With the exception of the Returning Officer, the Election Clerk, the Deputy Returning Officer or the Poll Clerk, or one of the constables or special constables appointed by the Returning Officer or the Deputy Returning Officer for the orderly conduct of the voting and the preservation of the public peace thereat, no person who has not had a stated residence in the township or union of townships, or ward, or subdivision, for at least six months next before the day of the voting, shall come during any part of the day upon which the poll is to remain open, into the township or union of townships, ward, or subdivision, armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like; nor shall any person whomsoever being in the township, union of townships, ward or sub-division, arm himself, during any part

of the day, with such offensive weapons, and thus armed approach within the distance of two miles of the place where the poll for such subdivision is held, unless called upon to do so by lawful authority.

5

MAINTAINING SECRECY OF PROCEEDINGS.

88.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place; and shall not communicate, before the poll is closed, to any person any information as to the number on the list of voters in the poll book of any person who has or who has not applied for a ballot paper or voted at that polling place. Maintaining
secrecy of
proceedings.

(2) No officer, clerk, or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to how a voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which a voter at a polling place is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at a polling place, or upon the counterfoil which was attached to the ballot paper, or as to the number prefixed to the name of a voter in the list of voters in the poll book.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at the counting, the number on the back of any ballot paper, or communicate any information obtained at the counting as to how any vote has been given on any particular ballot paper.

(5) No person shall, directly or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person whether he has voted in the affirmative or the negative upon the said question.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labor. Penalty.

89. Every Returning Officer and every other officer, clerk and agent authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties take an oath or affirmation of secrecy, in the presence, if he is the Returning Officer, of a Justice of the Peace, and, if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or of the Returning Officer or of a Deputy Return- Oath of
secrecy.

ing Officer, and the oath or affirmation of secrecy shall be according to Form 28 in Schedule A to this Act, or to the like effect and being in Form 6 in the poll book.

Proceedings
where officers
aware of viola-
tion of secrecy.

90. In case any Returning Officer, Deputy Returning Officer or clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, it shall be his duty to communicate the particulars, with all convenient speed, to the County Crown Attorney; and it shall be the duty of the County Crown Attorney on receiving such information from such officer or from any other person to forthwith enquire into the case as may be necessary, and to prosecute the offender as in the case of any other criminal offence. 5 10

PREVENTION OF CORRUPT PRACTICES.

Application of
provisions of
Rev. Stat. c.9.

91.—(1) All the provisions of *The Ontario Election Act* and amendments thereto relating to the prevention and punishment of corrupt practices and other illegal acts at elections and contained in sections 159 to 170 inclusive, and in sections 181 to 186 inclusive, and in sections 190 to 196 inclusive, of the said Act and amendments thereto shall *mutatis mutandis* apply to the taking of the vote upon the said question, in accordance with the provisions of this Part of this Act. 15 20

Recovery of
penalties.

(2) The penalties imposed for a contravention of any of the provisions mentioned in the preceding subsection and thereby incorporated in this Part, or for a contravention of any other provision in this Part, shall be recovered in the same manner as penalties for the like offences are recoverable under *The Ontario Election Act*, and the procedure thereon shall be the same as nearly as may be as they would have been had the offence been committed at the election of a member to serve in the Legislative Assembly. 25 30

Duty of
Crown At-
torney.

(3) It shall be the duty of every county crown attorney and of every district crown attorney upon receiving information that any offence has been committed under this Act to take proceedings for the prosecution of the offender and the recovery of penalties by this Act imposed. 35

Court for trial
of illegal acts.

(4) In case a county or district crown attorney is informed or has reason to believe that any corrupt practice or other illegal act has been committed in his county or district in connection with the voting under this Part he shall forthwith notify the President of the High Court at Toronto who shall designate a judge of a county or district court of a county or district other than that in which such offence was committed, to conduct the trial of the persons accused and the procedure thereon shall be the same as nearly as may be as on the trial of illegal acts under section 188 of *The Ontario Election Act* and amendments thereto. 40 45

Application of
Rev. Stat.
c. 10.

(5) *The Act to Secure the Prompt Punishment of Persons Guilty of Personation at the Election of a Member to Serve*

in the *Legislative Assembly* shall *mutatis mutandis* apply to the taking of the vote under this part in the same manner and to the same extent as at elections to the *Legislative Assembly*.

FEEES AND EXPENSES OF RETURNING OFFICERS, ETC.

- 5 **92.** The fees in Schedule B to this Act mentioned, in Tariff of fees.
 respect of the several matters therein contained, shall be
 allowed to the several officers therein mentioned respectively,
 for the services and disbursements in the said schedule
 specified.
- 10 **93.** The said fees, allowances and disbursements, together Payment of
 with the reasonable expenses incurred by the Returning Officer, fees and ex-
 and by the other officers and clerks, for printing, providing penses of
 polling compartments, transmission of the packets required by Returning
 this Act to be transmitted, and reasonable fees and allowances Officers.
- 15 for other services rendered under this Act, shall be paid over
 to the Returning Officer, by warrant of the Lieutenant-Gover-
 nor, directed to the Treasurer of the Province, out of the Con-
 solidated Revenue Fund of the Province, and shall be distributed
 by the Returning Officer to the several officers and persons
- 20 entitled to the same under the provisions of this Act, which
 distribution he shall report to the Lieutenant-Governor through
 the Provincial Secretary.

- 94.** The Lieutenant-Governor may direct the payment to In Algoma,
 the Returning Officers of the Electoral Districts of Algoma Muskoka,
 25 West, Algoma East, Muskoka, Nipissing and Parry Sound, out Nipissing and
 of the Consolidated Revenue Fund, of such sums (over and Parry Sound.
 above the allowance authorized by the preceding sections of
 this Act), as may be required to pay the expenses reasonably
 incurred by the Returning Officers, and by the other officers
- 30 and clerks, in conducting the election, and reasonable fees and
 allowances for any extraordinary services rendered by them
 thereat.

MISCELLANEOUS PROVISIONS.

- 95.** The Clerk of the Legislative Assembly shall be ex-
 35 officio Clerk of the Crown in Chancery, and shall discharge all Clerk of
 the duties which by any Statute, law, or usage ought to be Legislative
 done, or have heretofore been done, by the Clerk of the Crown Assembly to
 in Chancery. be ex-officio
Clerk of the
Crown in
Chancery.

- 96.** The property in the ballot boxes, ballot papers, coun- Property in
 40 terfoils, and marking instruments procured for or used at an ballot boxes,
 election, shall be in His Majesty. papers, etc.,
to be in His
Majesty.

- 97.** In case, by reason of riot or other emergency, Provision
 the voting at a polling place, is not commenced on the when voting
 proper day, or is interrupted after being commenced, and or polling not
 45 before the lawful closing thereof, the Deputy Returning commenced or
interrupted by
reason of riot,
etc.

Officer, shall hold or resume the polling on the following day, at the hour of nine o'clock in the forenoon, and continue the same from day to day if necessary, 'until the poll has been opened without interruption and with free access to voters for eight hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 5

Administra-
tion of oaths,
etc.

98. The Returning Officer shall have power to administer any of the oaths, affirmations, or take any of the declarations required with respect to the voting under this Act; and any Deputy Returning Officer or Election Clerk may administer such oaths, affirmations, or take such declarations, except in cases where they are required to be administered to the Returning Officer. 10

No charge for
administering
oaths.

99. Every person before whom it is hereby required that an oath be taken, or an affirmation made in the manner herein provided, shall administer such oath or affirmation gratuitously. 15

Transmission
to Returning
Officers of
copies of this
Act.

100. There shall be transmitted to every Returning Officer with the writ of election, such a number of copies of this Part of this Act as will be sufficient to supply the Returning Officer and each Deputy Returning Officer at the election with one copy at least; and every copy shall be accompanied with a copious alphabetical index. 20

Regulations
and directions
by Lieuten-
ant-Governor
in Council.

101. The Lieutenant-Governor in Council may from time to time by order-in council give such directions and make such regulations not inconsistent with the provisions of this Act as may appear to him to be necessary to carry out the provisions of this Act, and for the guidance of returning officers and other persons charged with the duty of taking the vote on the said question, or to make due provision for circumstances which may arise, and which are not provided for or contemplated by this Act. 25 30

PROCLAMATION BRINGING PART II. INTO FORCE.

Notice of
of return in
Gazette.

102. The Clerk of the Crown in Chancery shall, on receiving the return of every returning officer, give in the next ordinary issue of the *Ontario Gazette* notice of the receipt of the return, the date of such receipt, and the result of the voting on the said question. 35

Publication of
total result.

103. Within thirty days after the receipt of the last of such returns the Clerk of the Crown in Chancery shall also publish in the *Ontario Gazette* a summary of all the returns of the voting under this Act, together with such other particulars as to such voting as the Lieutenant-Governor in Council may direct. 40

104. In case it appears from the said summary that a majority of the votes in the said question are in the affirmative and that the number of electors voting on the said question in the affirmative exceeds one half of the number of electors who
 5 voted at the said general election, the Lieutenant-Governor in Council shall issue his Proclamation in the *Ontario Gazette* declaring Part II. of this Act to be in force on, from and after the first day of May, 1904, and Part II. of this Act shall come into force and take effect on, from and after the
 10 said date accordingly, but the provisions contained in said Part II. with respect to applications for license and all matters connected therewith or appertaining thereto, and with respect to the issue of such licenses may be resorted to, applied and followed at any time before the said first day of May for the
 15 purpose of procuring the issue of licenses under this Act to take effect on and from the said date.

Proclamation
bringing
Part II. into
force.

PART II.

INTERPRETATION.

105. In this and the following sections of this Act, unless
 20 the context otherwise requires:—

Interpretation

(a) The expression "chief inspector" means the chief inspector appointed under this Act.

"Chief
Inspector."

(b) The expression "local inspector" means an inspector appointed under this Act for a locality.

"Local
Inspector."

25 (c) The expression "inspector" means a chief inspector as well as a local inspector.

"Inspector."

(d) The expression "licensed premises" means the warehouse or store in respect of which a license under this Act has been granted and is in force, and shall include every room,
 30 closet, cellar, yard, stable, outhouse, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse or store.

"Licensed
premises."

(e) The expression "liquor" or "liquors" shall include all fermented, spirituous and malt liquors, and all combinations
 35 of liquors and all drinks and all drinkable liquors which are intoxicating.

"Liquor" or
"Liquors"

(f) The expression "druggist's wholesale license" shall mean a license authorizing a chemist or druggist, duly registered as such under and by virtue of *The Pharmacy Act*, to
 40 sell, subject to the provisions of this Act, in the warehouse or store defined in such license, alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes, and to sell to any duly registered practitioner and to any druggist holding a druggist's retail
 45 license, but to no other, liquor not exceeding in quantity five gallons at any one time.

"Druggist's
wholesale
license."

"Druggist's
retail
licensee."

(g) The expression "druggist's retail license" shall mean a license authorizing a chemist or druggist, duly registered and licensed to practice and carry on business as such under and by virtue of *The Pharmacy Act*, to sell liquor for medical and sacramental purposes only in the store defined in such license, 5 subject to the further provisions relating to druggist's retail licenses and to the other general provisions of this Act.

"Druggist
retail
licensee."

(h) The expression "druggist retail licensee" shall mean a person holding a druggist's retail license under this Act.

"Druggist
wholesale
licensee."

(i) The expression "druggist wholesale licensee" shall mean 10 a person holding a druggist's wholesale license under this Act.

"Licensee."

(j) The expression "licensee" means a person holding a license under this Act.

"Minister."

(k) "The Minister" shall mean the member of the Executive Council of this Province to whose department the administra- 15 tion of this Act shall be assigned for the time being by Order in Council.

"This Act."

(l) "This Act" shall not mean or include the provisions contained in Part I of this Act.

"Private
dwelling
house."

106. The expression "private dwelling house" in this Act 20 shall mean a separate dwelling with a separate door for ingress and egress and actually and exclusively occupied and used as a private residence.

Definition
restricted

(a) Without restricting the generality of the above definition of a private dwelling house, among other things which 25 the expression "private dwelling house" does not include or mean, it shall not include or mean and shall not be construed to include or mean any house or building occupied or used as an office, other than a duly qualified physician's, dentist's, or veterinary surgeon's office, or as a shop, or as a place of business, 30 or as a factory, or as a workshop, or as a warehouse, or as a clubhouse, or clubroom, public hall or hall of any society or order, or as a boarding house, or as a lodging house where there are more than three lodgers other than the members of the family, or as a livery stable, or as an inn, tavern, hotel or 35 other house or place of public entertainment, or any house or building the rooms and compartments in which are leased to different persons, or any building or house mentioned in section 188 of this Act, or any house or building where for money or other valuable consideration any goods or chattels are kept 40 for sale or sold, or meals given or lodging provided, nor shall it include or mean, or be construed to include or mean any house or building connected by a doorway or covered passage or way of internal communication, except by tele- 45 phone, with any place where liquor is authorized to be sold under this Act, or with any office, except a duly qualified physician's, dentist's or veterinary surgeon's office, or with and

place of business, factory, warehouse, workshop, clubhouse, clubroom, hall before mentioned, boarding house or lodging house as aforesaid, livery stable, inn, tavern, hotel or other house or place of public entertainment or resort or with any house or building mentioned in section 188 of this Act.

LICENSES.

107. Druggist wholesale licenses and druggist retail licenses, written or printed or partly written and partly printed on stamped paper, may be issued subject to the provisions and in the forms provided for by schedules C and D of this Act and shall be signed by the Minister, and shall continue in force to the 31st day of May, inclusive, following the date thereof.

Druggist's wholesale and retail licenses may be issued.

108. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the warehouse or store therein mentioned, and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

Licenses restricted to person named and to premises mentioned

109. Every licensee and every partner, clerk, servant or agent of such licensee who sells liquor in any other place or at any other time or in any other quantities, or sells liquor otherwise than as authorized by the license of such licensee and by this Act shall be guilty of an infraction of section 153 of this Act.

Sale of liquor other than authorized by license deemed an infraction of sec. 153.

WHO MAY OR MAY NOT BE LICENSEES.

110. Any incorporated company may become a licensee under the provisions of this Act, and in such cases all acts required by this Act to be done by any person as licensee, whether prior to or after the granting of a license, may be done in the name of the company by the officer or agent of the said company in charge of the particular warehouse or store for which the license is to be or shall have been granted.

Incorporated company may become licensee.

111. Licenses may be issued in the name of a co-partnership when two or more persons are carrying on business in the same name, but a separate license shall be required in every separate place of business of such firm.

Co-partnership.

112. If an applicant for a license has at any time or in any place been refused a license on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained by the chief inspector within a period of three years from the last of such refusals, and no application by any person for a license shall be entertained by the chief inspector within the said period if a person whose application has been refused for the same premises be living upon the premises of the applicant or be in any way connected with the business proposed to be carried on by such applicant.

Inspector not to entertain application of any persons who have at any time been refused a license.

Disqualified persons cannot hold license during disqualification.

113. No license shall be granted or transferred to any person declared by this Act to be a disqualified person during the continuance of such disqualification, and any license issued or transferred to a person so disqualified shall be void, and if any licensee during the time he holds a license becomes disqualified to be an applicant for a license the license then held by him shall thereupon become void. 5

No license to issue to an inspector or in respect of premises owned by an inspector.

114. No license shall be granted under the provisions of this Act to or for the benefit of any person who is an inspector, and no license shall be granted in respect of premises the owner or part owner of which is an inspector, and any license issued in contravention of this section shall be void, and every inspector who knowingly recommends the issue of a license in any such case shall be guilty of an offence against this Act. 10

APPLICATION FOR LICENSE.

Application for license and proceedings and conditions necessary to obtain same.

115. No license shall be granted to any person unless he has filed his application therefor, with the affidavits and bond hereinafter mentioned, in the Department of the Minister at Toronto, with the chief inspector, on or before the first day of March in that year, and has given the security required by this Act, and unless he is a person of good reputation and character, and he has been without a conviction of any offence against any of the provisions of this Act or any previous Liquor License Act within three years prior to his application for such license, and has complied with the requirements of this Act preliminary to the issue of such license and has received a recommendation by the chief inspector in favour of the issue of a license to him, and unless his warehouse or store in respect of which he applies for a license is such as required by this Act and suitable for carrying on a business in a reputable way, and unless the applicant is duly authorized to engage and is lawfully and in good faith engaged in this Province in the business of chemist and druggist as the true owner thereof, and has in such business a stock of drugs of the value of at least one thousand dollars, if in any city, and if elsewhere of the value of at least two hundred dollars. 15 20 25 30 35

To be recommended by inspector.

Statements in application to be verified by affidavits.

116. The application for a license shall be accompanied by the affidavits of the applicant and two reputable persons verifying the correctness of the statements in such application. Such application and affidavits shall be in the suitable forms given in the Schedules E and F to this Act. 40

Surety bonds.

117. Before any license is issued, the person applying for the same shall enter into a bond to His Majesty, with two good and sufficient sureties, residents of Ontario, to be approved by the chief inspector, with the condition and in other respects according to the form, or to the effect of such one of the forms, given in Schedule G to this Act, as is applicable to 45

the case, and such bond shall accompany said application and be filed therewith.

(1) Members of municipal councils, inspectors and constables shall be ineligible as sureties in the bond to be given under this section. Persons disqualified as sureties.

(2) The penalty mentioned in such bond may on breach of the condition of the bond be recovered at the suit of the Minister. Recovery of penalty.

118. The amount of the bond shall be for the applicant or principal five hundred dollars and for the sureties two hundred and fifty dollars each, and such principal and sureties shall justify by affidavit in the said amounts respectively. Amount of bond.

119. As soon as possible after the first day of April in each year, the chief inspector shall advertise a list of all such applications by one insertion in the *Ontario Gazette*, and also such portion of said list as affects each locality by one insertion in a newspaper in each locality, or as near each locality as possible; such list shall show the name of each applicant, description of license applied for, and the warehouse or store in respect of which a license is applied for described with sufficient certainty. A notice containing similar information shall be sent to the postmaster nearest the said warehouse or store, to be posted up in the post office. Chief inspector to advertise applications in *Ontario Gazette*.

120. The chief inspector shall also send to each local inspector a list of all applications made in his locality; and upon receiving such list the local inspector shall make full inquiries about the applicant, inspect the said warehouse or store of each applicant and make his written report thereon to the chief inspector. Local inspectors to be notified and to make inquiries.

121. It shall be the duty of the local inspector as soon as possible after the first day of March in each year to make an investigation in respect of the application and to inspect the building and premises in respect of which the application for license is made and to report in writing to the chief inspector, and such report shall contain. Local inspectors to inspect premises and to report thereon.

(a) A description of the buildings or premises in respect of which a license is asked and a report on the suitability thereof for the proposed business. Scope of local inspectors report.

(b) If the application is made by a person who under this or any other law of the Province heretofore existing held a license for the same premises during the preceding year for the sale of liquors a statement showing the manner in which the premises were kept and the business conducted during the existence of the previous license and the character of the persons frequenting the premises and the number of convictions against the applicant, if any.

(c) A statement of the fitness of the applicant to receive a license and the character and repute of such applicant.

(d) A statement whether the applicant is or is not the true owner of the business carried on in the warehouse or store proposed to be licensed.

(e) A statement of any objection against the applicant or the said warehouse or store, and of anything which in the opinion of the inspector should constitute an objection to the granting of the application. 5

Public inspection of documents.

122. All papers connected with applications and objections thereto shall be at all times open to the inspection of the public. 10

Objection to license being granted to be filed in the Department.

123. Any ten or more ratepayers resident near the warehouse or store proposed to be licensed may object to the granting of any license for such warehouse or store, provided that within three weeks after the last publication of notice of the application therefor, they cause written notice of their objection, stating the grounds thereof, to be filed in the Department of the Minister and to be given to the applicant personally or by delivering it to any person at the premises proposed to be licensed, or, by posting it up on such premises, but nothing herein contained shall be construed to relieve the chief inspector from inquiring into the particulars pertaining to and reporting fully upon each application. 15 20

Objections.

124. The objections which may be taken by any person objecting under the foregoing section to the granting of a license may include, without being limited to, the following : 25

Requirements of act not complied with.

(a) That the requirements of this Act preliminary to the hearing of the application or relating to the application or affidavits have not been observed by the applicant, or that the bond filed by the applicant is not a good and sufficient bond for any reason, or that the sureties therein named are not good and sufficient sureties. 30

Bad fame of applicant.

(b) That the applicant is of bad fame or character, or of drunken habits, or has within three years previously forfeited a license issued under this or any other law now or heretofore existing respecting the licensing of the sale of liquor ; that the applicant has been convicted within the period of three years next preceding the date of application of a disqualifying infraction of this or any previously existing *Liquor License Act* ; or that he has within the period of three years next preceding the date of the application kept a place in which the illicit sale of or dealing in liquors was frequent and notorious ; or 35 40

Unsuitability of premises.

(c) That the premises in question are not such as to comply with the requirements of this Act, or are so constructed or equipped as to facilitate the violation of this Act. 45

Disqualification of affidavit.

(d) That the applicant cannot comply with or fulfil the condition or does not possess the qualifications required by section 115 of this Act.

Any of the above grounds on being established shall be sufficient to prevent the application from being granted, but it is not intended that the above shall be the only objections which are to be considered or given effect to by the chief inspector.

5 **125.** In case notice of objections to the issue of the license is filed and given as aforesaid the chief inspector shall fix a convenient time and place at which he will hear evidence with regard to the application and the objections thereto, and the chief inspector shall thereupon give notice thereof in writing
10 by registered post to the applicant and the parties filing objections.

Chief inspector to fix time and place to hear evidence.

15 **126.** At the time and place so fixed for the hearing of evidence regarding such application and objections, or at the time and place fixed by adjournment, the chief inspector shall proceed to hear such evidence, and for that purpose he shall possess the powers and authority of the county court Judge sitting for trial of ordinary cases, and unless otherwise provided the practice and procedure of the county court as far as applicable in respect of the hearing of such application, the
20 subpoenaing, the calling and paying of witnesses, maintenance of order and other matters not herein specially provided for shall be followed. The hearing of such applications shall be open to the public. Every applicant shall be personally present at the hearing of his application, unless he is absent for
25 reason satisfactory to the chief inspector. The chief inspector may from time to time adjourn the hearing of any application, but not so that he will not be able to report thereon to the Minister before the 25th day of April of that year.

Procedure at hearing and powers of chief inspector

Applicant to attend hearing.

Adjournment.

30 **127.** The local inspector, the applicant and any person objecting to the application as hereinbefore mentioned, and the representative of any municipality wherein is situated the warehouse or store proposed to be licensed, shall be entitled to be present at such hearing and to be heard personally or by counsel or agent and to produce witnesses and evidence.

Persons entitled to be present at hearing.

35 **128.** In all applications and whether objections have been made or filed or not, it shall be the duty of the chief inspector to see that the requirements of this Act preliminary to the hearing of the application have been complied with. If such requirements have been complied with, but not otherwise, the
40 chief inspector shall proceed to consider every such application and all objections thereto, and all matters concerning the same, and to ascertain that all statutory requirements have been complied with, and to take notice of any objection whether the same is final or not, and whether any person has
45 raised it or not, and to take evidence of witnesses on oath in respect thereof if he deems such evidence necessary or proper, and for the purposes of this section the chief inspector may fix a time and place to hear the parties to the application and any objection thereto in the same way and with the same
50 powers and authority as provided in cases where notice of

Duty of chief inspector on the hearing of the application.

To report his
decision to
Minister.

objection had been formally given as provided by this Act, and the chief inspector after having fully considered the matter shall report in writing to the Minister his decision in favor of or against the advisability of granting such application.

5

Minister may
issue license.

129. Upon receipt from the chief inspector of his written report in favor of the granting of a license applied for as hereinbefore provided, the Minister may issue such license and cause it to be sent or given to the successful applicant.

10

TRANSFER OF LICENSES—REMOVAL OF LICENSES.

Written con-
sent of
Minister
necessary to
remove or
transfer
license.

130. In case any person having lawfully obtained a license under this Act removes or intends to remove from the premises in respect of which the said license applies, he may apply to the Minister for his written consent to the transfer of such license to the premises to which the licensee has removed or intends to remove, and the Minister may, if he sees fit, give his written consent to such transfer or he may require the licensee to proceed as in the case of transfer of license to another person as hereinafter provided for.

20

Death or
assignment
of licensee
voids license.

131. In case any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells or otherwise assigns his business or becomes dispossessed of it by operation of law, then and in such case, subject as in sections 132 and 133 hereof provided, the license shall *ipso facto* become forfeited and be absolutely null and void to all intents and purposes whatsoever.

25

Unless
permission of
Minister
is obtained by
any person
entitled to
benefit of
license.

132. The Minister may, if it seems to him proper, give in writing permission to the carrying on of business under any such license in the premises stated in such written permission by any person who may appear to be entitled to the benefit thereof, but such permission shall not extend beyond the period of one month from the happening of the event from which the forfeiture of the license would result, and such permission shall entitle the person to whom it is granted to the benefit of the license during said month according to the terms of the permission.

35

Person claim-
ing benefit of
voided license
may apply to
the Minister.

133. Any person claiming the benefit of such license may, within the said period of one month, apply to the Minister for the transfer thereof to him or to other premises as the case may be, and the like proceedings shall be had and taken for the hearing and consideration of such application by the chief inspector as are provided in section 135 hereof in the case of application for a license at other than the regular time, and upon the recommendation of the chief inspector being given the license shall be transferred in accordance therewith.

40

45

134. Any bond or security which the holder of a license may have given for any purpose in relation to such license shall, in case of removal, apply to the warehouse or store to which such removal is authorized, and in all cases where a party
 5 other than the original licensee applies under any circumstances for the transfer of a license to him, he shall furnish security as is required by this Act in the case of an original application for a license.

Effect of removal upon surety bonds.

135. In case any person, who has not been refused a license
 10 within the year next preceding, wishes to apply for a license at any other time than as hereinbefore provided, he may send to the Minister his application, and thereupon the chief inspector shall advertise such application in the manner provided for by section 119 and all the provisions of this Act
 15 as to objections to licenses and the conduct of any proceedings at and subsequent to the regular hearing of applications shall apply to every application made under this section.

Applications at other times than provided in section 115.

136. The Minister may at any time, upon application
 by a licensee, cancel the license held by such licensee.

Cancellation.

20 137. In case a complaint in writing signed by ten or more ratepayers resident near the warehouse or store referred to in the complaint, or occupied by the person complained against, be lodged with the chief inspector together with the sum of twenty dollars, to be paid to the Provincial Treasurer to
 25 form part of the consolidated revenue fund) to the effect that the license for any premises or any transfer thereof to another person or to other premises has been obtained by fraud or false statements or in an improper manner, or that the conditions necessary to the granting of such license do not exist at the time of the complaint, or that the licensed premises are
 30 constructed in such a way as not to be in accordance with the requirements of this Act, or that the licensee is not keeping the licensed premises in an orderly manner or in accordance with such requirements, or that he has been guilty of any infraction of this Act for which his license is declared subject to
 35 forfeiture, the chief inspector shall forthwith give notice of such complaint to the licensee and transmit the complaint to the county or district court judge of the county or district within which such licensed premises are situate, and such county or district court judge shall thereupon fix a time and place
 40 when he will hear the said complaint, and notice in writing of such time and place shall be mailed by the judge or, at the request of the judge, by the clerk of the court, at least ten days before the hearing to the party complaining and the party complained against, and the said judge
 45 shall proceed to hear and summarily determine the matter of the complaint, and the proceedings in and about the

Complaints.

Deposit.

Hearing of complaints.

Procedure on hearing.

Deposit re-
funded to
successful
complainant.

same, including the compelling the attendance and hearing of witnesses, shall, as nearly as possible, be the same as in the case of the hearing of a cause in the county court, and the judge shall, if he finds the complaint established, report accordingly to the Minister, who shall forthwith cancel the license, and the said sum of twenty dollars shall be thereupon refunded to the successful complainants. 5

DRUGGIST'S WHOLESALE LICENSE.

Wholesale
license.

138. A druggist's wholesale license shall be in form given in Schedule C to this Act, and may be granted only to a person who carries on exclusively the business of selling drugs and drug sundries by wholesale or in unbroken packages, and shall become *ipso facto* void in case the holder thereof at any time during the currency of the said license directly or indirectly or by or with any partner, agent or other person, carries on upon the premises to which such license applies the business of a retail dealer in any goods, wares or merchandise, or of a dealer in any other goods, wares or merchandise than drugs and drug sundries. 10 15

Restriction as
to quantity
allowed to be
sold.

139. A druggist's wholesale license shall not authorize the sale of liquor in quantities greater than those mentioned in subsection (f) of section 105 of this Act, or otherwise or in any place, or to other persons or for other purposes than as mentioned in said subsection, or unless the same is recorded as required by section 141 hereof. 20

Sale of alcohol
for mechanical
or scientific
purposes.

140. No druggist wholesale licensee shall sell any alcohol for mechanical or scientific purposes except upon the written or printed affidavit of the applicant which shall be in the form Schedule H to this Act, and which shall set forth that the alcohol is required for mechanical or scientific purposes alone, and not intended to be used as a beverage or to be mixed with any other liquid for use as a beverage, nor to sell, nor to give away, and that it is intended only for the applicant's own use and that the applicant is over twenty-one years of age, and shall also set forth the quantity desired. No more than one sale and one delivery shall be made on one affidavit. 25 30 35

Record of
sales.

141. Every licensee holding a druggist's wholesale license shall keep or cause to be kept an accurate record of each sale and disposal of any liquor made by him, his clerks, servants or agents, in a book to be kept for that purpose, and such record shall be made before the delivery of such liquor and shall show the time when, the name and address of the person to whom the same was made, and the kind and quantity sold. 40

Hours for sale
of liquor by
wholesale
licensee.

142. No sale or other disposal of liquors shall take place on, out of, or from any licensed premises of a licensee holding a druggist's wholesale license, to any person or persons whomso- 45

ever, nor shall such licensed premises be open from or after the hour of seven o'clock on Saturday night until seven o'clock on Monday morning thereafter, or from eight o'clock at night until seven o'clock in the morning on the other nights of the 5 week.

DRUGGIST'S RETAIL LICENSE.

143. A druggist's retail license shall be in form given in Retail license. Schedule D to this Act and may be granted to a chemist or druggist described in subsection (g) of section 105 hereof. A 10 druggist's retail license shall not authorize the sale of liquor for any other than medicinal purposes, and then only under a *bona fide* prescription from a duly qualified medical practitioner signed by such practitioner, on which prescription no more than one sale of liquor shall be made, and unless the sale 15 be recorded as provided by section 146 of this Act.

(1) A druggist's retail license shall authorize the sale to a Sale of liquor to dentists. dentist personally who is a duly registered member of The Royal College of Dental Surgeons of Ontario, and who is law- fully and regularly engaged in the practice of his profession, 20 of liquor for use in his profession only, but not in a greater quantity than one pint at one time, and to a veterinary sur- To veterinary surgeons. geon duly qualified under the provisions of *The Act respecting Veterinary Surgeons* and who is lawfully and regularly engaged in the practice of his profession, for use in his 25 profession only, but not in a greater quantity than two gallons at any one time; provided that in either case such sale shall be recorded, as provided by section 146 of this Act.

144. Notwithstanding the provisions of the preceding section To clergymen for sacramental purposes. a druggist retail licensee may, under his license, sell wine for 30 sacramental purposes, but only to a minister of the gospel, and upon his written or printed request, which shall be in the form in Schedule I to this Act.

145. Every such prescription and request shall be retained Prescriptions to be retained. by the licensee for a period of at least one year, and the licensee 35 shall permit the same to be inspected by any person.

146. Every licensee holding a druggist's retail license shall keep, or cause to be kept, an accurate record in a book to be kept for that purpose of every sale or other disposal made by him, his partner, his clerks, servants, or agents, of any liquor 40 under and forming an ingredient in such prescription, and of any wine sold for sacramental purposes, and of any liquor sold to a dentist or veterinary surgeon as aforesaid, and such record shall be made before the delivery of such liquor, and shall show the time when, the name and address of the person to whom 45 the same was made, the kind and quantity sold, and the pre- scription of such medical practitioner, or the request of the minister, and, in default of such sale or disposal being so placed

on record, every such sale shall be held to be in contravention of the provisions of this Act.

Verified copy of record to be sent to chief inspector at stated times.

147. Every licensee holding a druggist's wholesale license, or a druggist's retail license, shall on the first day of the months of August and February in each year send to the chief inspector a copy of the record mentioned in sections 141 and 146 of this Act for the months not previously returned, verified by his affidavit attached thereto, and such affidavit shall state that no other sales were made during such months save those mentioned in the copy of the record sent to the chief inspector. 5 10

Penalty for refusal to allow inspection of record.

148. Every licensee holding a druggist's wholesale license who refuses to allow the affidavit mentioned in section 140 of this Act, and every licensee who refuses to allow the record to be kept under the provisions of sections 141 and 146 of this Act, to be inspected without charge by any person, shall be guilty 15 of an offence against this Act.

No liquor to be consumed on licensed premises.

149. No licensee, and no partner, clerk, agent or servant of such licensee, shall allow any liquor to be consumed or drunk within or upon the licensed premises.

Communication between breweries, etc. and other premises prohibited.

150. Every distiller, brewer, or other person licensed by the Government of Canada to manufacture any liquor mentioned in section 154 hereof, and every liquor exporter mentioned in section 155 hereof, and any druggist wholesale licensee who makes or uses, or allows to be made or used, any internal communication between the premises in which he is entitled to carry on the business of manufacture or sale of any liquor and any other premises, except by means of electric telephone or telegraph, shall be guilty of an offence and liable to a penalty of fifty dollars for every day during which such communication exists, and in default of payment to one month's imprisonment for each day as aforesaid. 20 25

Penalty.

PROHIBITIONS AND REGULATIONS.

Sale of liquor in Ontario prohibited.

151. No person shall, within the Province of Ontario by himself, his clerk, servant or agent, expose or keep for sale directly or indirectly, or upon any pretence, or upon any device, sell or barter, or in consideration of the purchase or transfer of any property or thing, or at the time of the transfer of any property or thing, give to any other person any liquor without having first obtained a druggist's wholesale license or a druggist's retail license under this Act authorizing him so to do, and then only as authorized by such license and as prescribed by this Act. 35 40

Keeping of liquor within Ontario except in private dwelling houses prohibited.

152. No person within the Province of Ontario by himself his clerk, servant, or agent, shall have, or keep, or give liquor in any place whatsoever, other than in the private dwelling house in which he resides, without having first obtained a drug- 45

gist's wholesale license or a druggist's retail license under this Act authorizing him so to do, and then only as authorized by such license.

(1) This section shall not prevent any person engaged in 5 mechanical business, or in scientific pursuits, from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not exceeding ten gallons at any one time, but the alcohol used in the preservation of specimens for scientific purposes shall not be included in said ten gallons, 10 or to prevent any clergyman from having in his possession a quantity of wine for sacramental purposes not exceeding two gallons at any one time; but such person in this sub-section mentioned so having in his possession such liquor shall not use or consume, or allow to be used or consumed, any of said liquor 15 as a beverage.

Exceptions,—
Mechanical or
scientific pur-
poses.

Clergymen.

(2) Nothing in this section shall prevent an incorporated public hospital from having in its possession, for the use of the patients in such hospital, liquor, but no such liquor shall be consumed by any person other than a patient in said hospital, 20 and then only when prescribed for or administered by a physician as provided by section 160 of this Act.

Public
hospitals.

(3) Nothing herein contained shall prevent a sick person from having in his room where he sleeps the liquor prescribed for him by a physician under section 160 of this Act. But no 25 liquor so prescribed shall be consumed or drunk by any other person than the sick person for whom it has been so prescribed.

Sick persons.

153. Nothing in section 151 hereof contained shall apply to sales under execution or other judicial process or to sales by assignees in bankruptcy or insolvency, provided 30 that the stock of liquor is not broken for the purpose of such sale, and nothing in section 152 contained shall prevent common carriers or other persons from carrying or conveying liquor from a place outside of the Province to a place where the same may be lawfully received and lawfully kept 35 within the Province, or from a place where such liquor is lawfully kept and lawfully delivered within the Province to a place outside the Province, or from a place where such liquor may be lawfully kept and lawfully delivered within the Province to another place within the Province where the same 40 may be lawfully received and lawfully kept, or through the Province from a place outside of it to a place outside of it, but no person during the time such liquor is being carried or conveyed as aforesaid shall open or break or allow to be opened or broken any package or vessel containing the same, or drink 45 or use or allow to be drunken or used any liquor therefrom.

Sales by
judicial pro-
cess or by
assignees in
bankruptcy.

Liquor
in transit.

154. Nothing herein contained shall prevent any brewer distiller or other person duly licensed by the Government of Canada for the manufacture of spirituous, fermented or other liquors, from keeping or having liquor manufactured by him

Brewers and
distillers
licensed by
the Govern-
ment of
Canada.

in any building wherein such manufacture is carried on, provided such building forms no part of and does not communicate by any entrance with any house or building mentioned in section 106 of this Act, including the sub-section thereof, or from selling liquor therefrom to a person in another Province 5 or in a foreign country or to a licensee under this Act.

Export
liquor ware-
houses.

155.—(1) Nothing herein contained shall prevent any person from having liquor for export sale in his liquor warehouse, provided such liquor warehouse and the business carried on therein complies with the requirements in sub-section 2 hereof 10 mentioned, or from selling from such liquor warehouse to persons in other provinces or in foreign countries, or to a whole-sale licensee under this Act.

Construction
and equip-
ment of
export liquor
warehouses.

(2). The liquor warehouse in this section mentioned shall be suitable for the said business and shall be so constructed 15 and equipped as not to facilitate any violation of this Act, and not connected by any internal way or communication with any other building or any other portion of the same building and shall be a wareroom or building wherein no other com-
modity or goods than liquor for export from the Province are 20 kept or sold to such wholesale licensee and wherein no other business than keeping or selling liquor for export from the Province is carried on.

Use of liquor
prohibited in
Ontario,
unless pur-
chased from
licensee.

156. No person shall use or consume liquor in the Province purchased and received from any person within the Province, 25 unless it be purchased and received from a licensee. This section shall not apply to any person who within a private dwelling house innocently uses or consumes liquor not thus purchased and received.

Neglect to
record sale to
be *prima facie*
evidence of
illegal sale by
brewers,
distillers, etc.

157. For the purpose of evidence every brewer, distiller or 30 other person licensed by the Government of Canada and mentioned in section 154 hereof, and every liquor exporter mentioned in section 155 hereof, who makes a sale of liquor in the Province, may immediately enter in a book to be kept for that purpose the date of such sale, the person to 35 whom such sale was made and the person or carrier to whom the same was delivered for carriage; and the failure of such person to make, keep and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such sale of liquor, 40 be *prima facie* evidence against such person of having illegally sold such liquor.

Sale and de-
livery of
liquor to il-
licit dealers
prohibited.

158 No person shall, by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquors of any kind to any person not entitled to sell liquor, and who sells such 45 liquor and who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act, and no person shall take or carry or employ or suffer

any other person to take or carry any liquor out of any premises where the same is lawfully kept for sale for the purpose of being sold in the Province by any person, except a druggist retail licensee.

5 **159.** No person shall consume any liquor in or upon any
 licensed premises, nor in any liquor warehouse mentioned in
 section 155 hereof, nor in any distillery or brewery men-
 tioned in section 154 hereof, and no person shall purchase
 any liquor from any person who is not authorized to
 10 sell the same for consumption within the Province, and no
 person who purchases liquor shall drink or cause anyone to
 drink or allow such liquor to be drunk upon the premises
 where the same is purchased.

Consumption
 of liquor on
 any licensed
 premises, dis-
 tillery, etc.,
 prohibited.

160. Any physician who is lawfully and regularly engaged
 15 in the practice of his profession, and who shall deem any in-
 toxicating liquors necessary for the health of his patients, may
 give such patient or patients a written or printed prescription
 therefor, or may administer the liquor himself; for which
 purpose he may have liquor in his possession not exceeding
 20 in quantity two quarts at any one time, when visiting in the
 discharge of his professional duties; but no such prescription
 shall be given or liquors administered, except in cases of actual
 need, and when in the judgment of such physician the use of
 liquor is necessary. And every physician who shall give such
 25 prescription or administer such liquors in evasion or violation
 of this Act, or who shall give to or write for any person a
 prescription for or including intoxicating liquor for the pur-
 pose of enabling or assisting any person to evade any of the
 provisions of this Act, or for the purpose of enabling or as-
 30 sisting any person to obtain liquor for use as a beverage, or
 to be sold or disposed of in any violation of the provisions of
 this Act, shall be guilty of an offence under this Act.

Regulations as
 to physicians.

(1) Any dentist who is a duly registered member of The
 Royal College of Dental Surgeons of Ontario and who is law-
 35 fully and regularly engaged in the practice of his profession,
 and who shall deem it necessary for any patient being then
 under treatment by him, that such patient should have a drink
 of liquor, may himself administer to such patient the liquor
 thus needed, and for such purpose he may keep in his office a
 35 quantity of liquor not exceeding one pint at any one time, but
 said liquor shall not be administered except in the case of
 actual need, and shall not be drunk or consumed by any other
 person than such patient, and every such dentist who shall
 administer such liquor in evasion or violation of this Act shall
 40 be guilty of an offence against this Act.

Dentists.

(2) Any veterinary surgeon, duly registered under the
 provisions of *The Act respecting Veterinary Surgeons* lawfully
 and regularly engaged in the practice of his profes-
 sion, and who shall deem liquor necessary for the health
 45 of dumb animals, may administer or cause to be administered

Veterinary
 Surgeons.

such liquor to such dumb animals, for which purpose he may have liquor in his possession, not exceeding, however, in quantity one gallon, but no person shall drink or consume any of the said liquor.

Selling or
giving liquor
to minors.

161. No person other than the father, mother, guardian or physician of such minor, or druggist retail licensee under prescription from a physician, shall sell or give liquor to any person under the age of twenty-one years, and then only for medicinal purposes. 5

Penalty for
bartering, etc.

162. If any licensee receive in payment, or as a pledge for any liquor supplied in or from his licensed premises, anything except current money or the debtor's own cheque on a bank or banker, he shall for each such offence be liable to a penalty of twenty dollars, and, in default of payment, to one month's imprisonment; the person to whom anything given as a pledge, as aforesaid belongs, may recover the same, or the value thereof, in any court of competent jurisdiction notwithstanding such pledge; no licensee shall receive payment in advance for any liquor to be supplied, and the amount of any payment so made in advance may be recovered, notwithstanding that any liquor may have been supplied subsequently to such payment. 10 15 20

Harboring
Constables.

163. If any person authorized to sell liquor knowingly harbors or entertains, or knowingly suffers to remain on his licensed premises where such liquor is sold or kept for sale, any constable or peace officer during any part of the time for such constable or peace officer to be on duty, unless for the purpose of keeping or restoring order, or in the execution of his duty, or supplies any liquor or refreshment whatever, by way of gift or sale, to any constable or police officer on duty, he shall be guilty of an offence against this Act. 25 30

Permitting
drunkenness,
etc.

164. If any person permit gambling, drunkenness or any violent, quarrelsome, riotous, or disorderly conduct to take place in the house or on the premises of which he is the owner, tenant or occupant, or gives any liquor to any drunken person, or permits or suffers any drunken person to consume any liquor in said house or on said premises, or permits or suffers persons of bad character to assemble or meet in said house or on said premises, he shall be guilty of an offence against this Act, and, in addition to any other punishment provided by law, be liable to the penalty provided by this Act therefor. 35 40

Clubs,
societies, etc.

165. Every society, association or club heretofore or hereafter formed or incorporated, and every unincorporated society, association or club, and every member, officer and servant thereof, or person resorting thereto, who sells or barter or therein gives liquor to any member thereof or to any other person, and every person who directly or indirectly keeps or 45

maintains by himself or by associating or combining with any other or others and who in any manner aids, assists or abets in keeping or maintaining any club house, club or association room or hall, or any other place where liquor is received or
 5 kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any society, club or association by any means whatever, and every person who uses, barter, sells, or gives away or assists or abets another in bartering, selling or giving away liquor so received
 10 and kept, shall be held to have violated section 151 of this Act, and shall incur the penalties provided for the sale of liquor without license.

(1) The keeping or having any liquor in the house, hall or building, or in any room or place occupied or controlled by
 15 any such club, association or society, or by any persons associating or combining together as aforesaid, shall be a violation of section 152 of this Act. Keeping liquor on club premises violation of Act.

(2) Proof of consumption or intended consumption of liquor in such premises by any member of any such club, association
 20 or society, or person who resorts thereto, shall be conclusive evidence of the sale of such liquor. Consumption to be evidence of sale.

(2) The occupant of such premises or any member of the club, association or society, or person who resorts thereto, shall be taken conclusively to be the person who has or keeps or
 25 sells therein such liquor, and any liquor found on such premises shall be liable to seizure in the manner provided by this Act. Liquor found on club premises to be liable to seizure.

166. If the occupant of any private dwelling house or of any part thereof is convicted of any offence against any of the provisions of this Act committed in or in respect of such house
 30 the same shall cease to be a private dwelling house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof. Offences committed in private dwelling house.

167. Whenever any person has drunk liquor to excess and while in a state of intoxication from such drinking has come
 35 to his death by suicide, or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to
 40 an action for a wrongful act and as a personal wrong, and such action may be brought under Chapter 166 of *The Revised Statutes of Ontario*, and the amount which may be recovered as damages shall not be less than one hundred dollars nor more than fifteen hundred dollars. Death of intoxicated person, liability of person having supplied the liquor.

168. Every person who offends against any of the provisions
 contained in sections 109, 142, 149, 151, 152, 153, 158 and 165 of Penalties.

this Act, or in any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$200 nor more than \$1,000, and in default of immediate payment, to imprisonment for not less than three nor more than six months, and if the offence was committed by a licensee or by any person acting under his instructions, or with his privity or consent, he shall also be liable in the discretion of the judge, magistrate, justice or justices of the peace, to have his license forfeited and avoided and for a second offence to imprisonment for not less than six nor more than twelve months, and if the offence be committed by a licensee or any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void and he shall be incapable of becoming a licensee under this act for a period of three years thereafter.

Penalties.

169. Every person who offends against any of the provisions contained in sections 140, 141, 146, 156, 159, 160, 161 or 166 of this Act, or any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$50 nor more than \$300, and in default of immediate payment to imprisonment for not less than two months nor more than four months, and for the second offence to a penalty of not less than \$100 nor more than \$500, and in default of immediate payment to imprisonment for a term of not less than four months nor more than eight months; and if the offence was committed by a licensee, or by any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void, and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Where penalties have not been specially provided.

170. For every offence against this Act or any of the provisions thereof, for which a penalty or penalties has or have not been specially provided by this Act, the person committing the offence shall be liable on summary conviction to a penalty of not less than ten dollars nor more than one hundred dollars, and in default of immediate payment to imprisonment for a period of not less than ten days nor more than two months.

ENFORCEMENT AND PROSECUTIONS.

Duties of inspectors.

171. The duty of seeing that the provisions of this Act are complied with and of enforcing the same and of prosecuting persons offending against such provisions shall devolve upon the inspectors appointed pursuant to this Act. But nothing herein contained shall prevent or be construed to prevent any person from laying an information or prosecuting in respect of any offence or supposed offence against the provisions of this Act, and the Department of the Attorney-General shall not prevent any such prosecutions.

172. For the purposes in the preceding section mentioned the Lieutenant-Governor in Council shall appoint a Chief Inspector, who shall reside in the City of Toronto and have his office in the Department of the Minister and shall also
 5 appoint local inspectors who shall reside in their respective localities; one such inspector shall be appointed for each electoral district in the Province, and if it be deemed expedient for the better enforcement of the provisions of this Act the Lieutenant-Governor in Council may sub-divide the said electoral
 10 district or any of them for the purposes of this Act and appoint a local inspector for each sub-division, and the Chief Inspector and each local inspector shall hold office during the pleasure of the Lieutenant-Governor in Council.

Appointment
of Chief In-
spector.

Of local
inspectors.

(1) The Chief Inspector and local inspectors shall be officers
 15 of the Department of the Minister and shall give the security required by the Lieutenant-Governor in Council, which shall be by bond to His Majesty as provided by *The Act respecting Public Officers*

Inspectors o
give security.

(2) The salary of the Chief Inspector and of each of the local
 20 inspectors shall be fixed by the Lieutenant-Governor in Council

Salary of
inspectors.

173. The Chief Inspector shall perform the duties specially
 given to him by this Act and shall make a special inspection of licensed premises and other premises where liquor may be lawfully kept for sale in the Province, and shall see that the
 25 books and accounts of each local inspector are properly kept and all entries properly made, and shall examine into the accounts and mode of inspection of each local inspector and into the way in which he enforces the provisions of this Act, and shall ascertain whether or not the duties of such local
 30 inspector are faithfully and efficiently performed, and he shall hold investigations into the conduct of the local inspectors when required so to do by the Minister and shall report upon all matters for his information as expeditiously as possible.

Duties of
Chief In-
spector.

(1) Where the Chief Inspector inquires or causes an inquiry
 35 to be made into the conduct of any local inspector or into the manner in which the law is enforced by any local inspector, or into the accounts of a local inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall
 40 also have the same power to summon witnesses and to enforce their attendance and to compel the production of books and documents as is vested in any court in civil cases.

Inquiry by
Chief Inspec-
tor into con-
duct of local
inspector.

(2) The Chief Inspector shall also perform such other duties
 in respect of this Act and its enforcement as may be assigned
 45 to him by the Lieutenant-Governor in Council.

174. Each local inspector shall perform the duties specially
 devolving upon him under any provisions of this Act and

Duties of local
inspectors.

shall inspect all licensed premises and other premises in his locality where liquor may be lawfully kept for sale, and he shall see that all provisions of this Act are observed and enforced in his district and that all persons offending against such provisions are promptly prosecuted, and he shall perform such other duties as may be assigned to him in respect of this Act and its enforcement by the Lieutenant-Governor in Council. 5

Duty of inspector or constable on receiving information of any violation of Act.

175. Every inspector appointed under this Act, and every policeman or constable shall be deemed to be within the provisions of this Act, and where any information is given to any such inspector, policeman or constable that there is cause to suspect that some person is violating any of the provisions of this Act it shall be his duty to make diligent inquiry into the truth of such information and to enter complaint, in his own name, of such violation before the proper county court judge, magistrate or justice of justices of the peace, without communicating the name of the person giving such information. 15

PROSECUTIONS.

Procedure provided for prosecutions.

176. All prosecution for any violation of any of the provisions of this Act and all proceedings for the imposition of 20 punishment by fine, penalty or imprisonment, for infraction of any of the provisions of this Act, may be brought for hearing and determination before a county or district court judge or a police or stipendiary magistrate, or before any justice or two justices of the peace for this Province under the provisions and 25 procedure of *The Ontario Summary Convictions Act* and any amendments thereto and of sections 839 to 909, both inclusive, of the Act of the Parliament of Canada known as the *Criminal Code, 1892*, and the Acts already passed or which may hereafter be passed amending the same, and the provisions of 30 the said *The Ontario Summary Convictions Act* and amendments thereto and of said sections 839 to 909 both inclusive, and of the amendments thereto made or to be made as aforesaid shall apply to all prosecutions and proceedings under this Act so far as the same are consistent with this Act. The ex- 35 pression "Justice of the peace" or "Justice" in the said *The Ontario Summary Convictions Act*, and any amendments thereto and in any of said sections 839 to 909, both inclusive, or in any of said amendments to said sections passed or to be passed as aforesaid, shall for the purposes of this Act include 40 a county court judge or district court judge unless the context otherwise requires, provided however that where any person is tried before a county or district court judge for any offence against the provisions of this Act there shall be no appeal from the decision of such county or district court 45 judge and appeals from the conviction or order of a justice or justices of the peace shall be heard and determined in the manner provided in said Act without the intervention of a jury, but nothing herein contained shall take away the right or remedy by way of "habeas corpus" or "certiorari." 50

177 When any prosecution is brought for hearing and determination before any police or stipendiary magistrate, no other magistrate shall sit or take part therein except for the purposes of making a remand or adjournment by reason of the
5 absence of such police magistrate.

Magistrate seized of the case to complete same.

178. If such prosecution be brought for hearing and determination before two justices of the peace, no other justice shall sit or take part therein, unless by reason of their absence or the absence of one of them, nor yet in the latter case unless
10 with the assent of the other of them.

So also where justices seized.

179. Any justice of the peace refusing to receive any information or complaint under the provisions of this Act, or refusing to sit on any case thereunder, shall be reported by the inspector to the Attorney-General, and, on the refusal being
15 established, the justice may be asked to tender his resignation and, in case of refusal, be dismissed by the Lieutenant Governor in Council.

J. P. refusing to act to be reported to Attorney-General.

180. Several charges of contravention of this Act committed by the same person may be included in one and the same
20 information or complaint, provided that such information and complaint and the summons issued thereon contains the time and place of each contravention.

Several offences charged in one complaint.

181. The description of any offence under this Act in the words of this Act or in words of like effect, shall be sufficient
25 in law, and any exception, exemption, provision, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, but if it be so specified or negatived, no proof in
30 the relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Description of offences.

182. In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, receiving or the consumption of liquor, in
35 any information, summons, conviction, warrant or proceeding under this Act, it shall be sufficient to state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing receiving or consumption of liquor simply, without stating the name or kind of such liquor or the price thereof, or any person
40 to whom it was sold or disposed of, or by whom it was taken or consumed or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given or consumed, except in the case of offences where the quantity is essential,
45 and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Contents of information.

Amendments
of information
allowed.

183. At any time before judgment the said county or district court judge, magistrate, justice or justices may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act, but, if it appears that the defendant has been materially misled by such amendment, the said county or district court judge, magistrate, justice or justices, shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment. 5

Attendance
and examina-
tion of
witnesses.

184. In any prosecution under this Act the county or district court judge, police magistrate, justice or justices of the peace, trying the case, may summon any person represented to him as a material witness in relation thereto, and if such person refuse or neglect to attend pursuant to such summons, the county or district court judge, police magistrate, justice or justices of the peace may issue his warrant for the arrest of such person, and he shall thereupon be brought before the county court or district judge, police magistrate, justice or justices of the peace, and if he refuse to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the judicial district or to a lock-up, there to remain until he consent to be sworn or to affirm and to answer. 10 15 20

Production of
books, etc.

185. Any person summoned as a party to, or as a witness in, any proceeding under this Act may, by the summons, be required to produce at the time and place appointed for his attendance all books and any papers, accounts, deeds and other documents including a license, in his possession, custody, or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for non-production of such books, papers or documents, as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or answer any question touching the case. 25 30

Witness
bound to
answer ques-
tions.

186. Every person, other than the defendant or his wife, summoned or examined as a witness in any prosecution brought under this Act, is bound to answer all questions put to him and which are pertinent to the issue, notwithstanding that his answer may disclose facts tending to subject him to any penalty imposed by this Act, but such evidence shall not be used against him in any prosecution. 35 40

Certificate of
Inspector to
be evidence.

187. In any prosecution or proceeding under this Act, in which proof is required respecting the issue, transfer or cancellation of any license, a certificate under the hand of the chief inspector shall be *prima facie* proof of the existence, transfer or cancellation of such license as the case may be, and in case of issue or transfer, of the person to whom the same was granted or transferred, and the production of such certificate shall be sufficient *prima facie* evidence of the 45

facts stated therein, and of the authority of the chief inspector, without any proof of his appointment or signature.

188. Any house, shop, room or other place in which it is proved that there exist beer pumps, or any other appliances or preparations similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, other than those of common use in private houses, shall be *prima facie* evidence that it is a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of this Act, and the occupant of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquor for sale, traffic or barter therein.

Appliances of
liquor trade
prima facie
evidence.

189. In proving the sale or disposal, giving, purchasing or receiving gratuitously or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed or any liquor was actually consumed, if the judge or magistrate or justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal, giving, purchasing or receiving actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to the person consuming, or being about to consume, or carrying away the same, as against the occupant of the said premises.

Proof of con-
travention.

190. The occupant of any house, shop, room or other place in which any sale, barter or traffic, having, keeping or giving liquor, or any matter, act or thing in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic, having, keeping or giving be made by some other person who cannot be proved to have so acted on, under or by, the directions of such occupant and proof of the fact of such sale, barter or traffic, having, keeping or giving, or other act, matter or thing by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be *prima facie* evidence that such sale, barter, traffic, having, keeping or giving or other act, matter or thing took place with the authority and by the direction of such occupant.

Occupier of
premises lia-
ble for contra-
vention on his
premises.

191. The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

Burden of
proof.

Description of
liquor sold not
necessary.

192. In any prosecution under this Act in respect of any sale, purchase, disposal, giving, having, keeping, or receiving of liquor, it shall not be necessary that any witness depose directly to the precise description of the liquor sold, purchased, disposed of, given, had, kept or received, or the precise consideration, if any therefor. 5

Burden of
proof of
license on
defendant.

193. In any prosecution under this Act whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully. 10

What *prima*
facie evidence
of sale.

194. If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of, or concerning which, he is being prosecuted, such person shall be obliged to prove that he did not commit the offence with which he is so charged. 20

Presence of
sign, etc.,
prima facie
evidence of
unlawful sale
or keeping.

195. The fact of any person, not being a licensed person keeping up any sign, writing, printing or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor, or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale and keeping for sale, and having and keeping of liquor by such person. 25

Defendant
competent
witness.

196. On the trial of any proceeding, matter or question under this Act the person opposing or defending shall be competent to give evidence in such proceeding, matter or question. 35

CASES OF SEVERAL CONVICTIONS.

Proceedings
where
previous
convictions
charged.

197. The proceedings upon any information for an offence against the provisions of this Act, in a case where a previous conviction or convictions are charged, shall be as follows:—

Charge for
subsequent
offence to be
tried first.

(1) The judge, magistrate, justice or justices of the peace shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then, and not before, be asked whether he was so previously convicted as alleged in the information, and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously 40 45

convicted, or does not answer such question, the judge, magistrate or justice shall then inquire concerning such previous conviction or convictions.

(2) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting judge, magistrate, justice or justices of the peace, or the clerk of the peace to whose office the conviction has been returned, without proof of signature or official character.

Proof of previous conviction.

(3) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the judge, magistrate, justice or justices of the peace by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named, and shall thereupon upon proof of the due service of such summons, if such person fails to appear, or on his appearance, amend such second or subsequent conviction, and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

Subsequent conviction, if former quashed, may be amended.

(4) In case of any person who has been convicted of a contravention of any provision of any of the sections of this Act mentioned in sections 109, 142, 149, 151, 153, 153, 155, 158 and 167 hereof is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence within the meaning of the said section, and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Conviction under certain sections after previous conviction.

198. A conviction may, in any case, be had as for a first offence, notwithstanding that there may have been a prior conviction or convictions for the same or any other offence.

Conviction may be as for first offence.

199. One conviction for several offences, and providing a separate penalty for each, may be made under this Act, although such offences may have been committed on the same day, but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days, and after information laid for a first offence.

Conviction for several offences.

200. When not otherwise provided, a second conviction of a licensed person under this Act, for any violation or contravention of the provisions of this Act shall *ipso facto* operate as a forfeiture of his license, and disqualify the person convicted from obtaining a license for three years thereafter.

Forfeiture of license and disqualification on second conviction.

COSTS.

Costs of conviction.

201. In every case where a penalty is authorized by this Act to be inflicted, the judge, magistrate, justice or justices of the peace shall have the power to order costs to be paid in addition to the amount of the penalty, and such costs when so 5 ordered shall be considered part of the penalty.

Magistrates' fees.

202. Among other costs the magistrate or justice shall be entitled to charge the following sums :—

For making up and forwarding certificate of conviction to the chief inspector, the sum of fifty cents; for recording the 10 conviction on the license, the sum of fifty cents.

CONVICTIONS AND SUBSEQUENT PROCEEDINGS.

Defect in form or substance not to invalidate process.

203. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the 15 information and the conviction or by reason of the punishment imposed or the conviction or order made being in excess of that which might lawfully have been imposed or made or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding 20 that the same was made for an offence against some provision of this Act within the jurisdiction of the judge, magistrate, justice or justices of the peace or other officer who made or signed the same and provided there be evidence to prove such offence, and that it can be understood from such 25 conviction warrant or process that the appropriate penalty or punishment for such offence was thereby adjudged.

Applications to quash, etc., to be decided on merits.

204. Upon any application to quash or set aside any such conviction or order or the warrant for enforcing the same or other process or proceeding whether in appeal or upon habeas 30 corpus or by way of certiorari or otherwise the court or judge to which or to whom such appeal is made or to which or to whom such application has been made upon habeas corpus or by way of certiorari or otherwise shall dispose of such appeal or application upon the merits notwithstanding any such vari- 35 ance, excess of jurisdiction or defect as aforesaid, and in all cases where it appears that the merits have been tried and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, and there is evidence to support the same, such conviction, warrant, process or proceeding 40 shall be affirmed, or shall not be quashed (as the case may be) and such court or judge may in any case amend the same if necessary; and any conviction, warrant, process or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs 45 thereof shall be recoverable as if originally awarded.

205. Whenever a licensee is convicted of any offence against the provisions of this Act a record thereof shall be endorsed on the license of the person convicted, and the following provision shall immediately have effect, that is to say:—

Record of conviction to be indorsed on license.

5 (a) The judge, magistrate, justice or justices before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required; and

Production of license.

10 (b) If such person be convicted the court shall cause short particulars of such conviction and of the penalty imposed to be indorsed on his license before it is returned to the offender; and

Indorsement.

(c) The chief inspector shall enter the particulars respecting 15 such conviction or such of them as the case may require, in the register of licenses kept by him under this Act, and all judges, magistrates and justices shall immediately notify the chief inspector in writing of any convictions they have made; and

Entry in Register.

(d) Where the conviction of any such person has the effect 20 of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be forwarded by the judge, magistrate, justice or justices with notice of such forfeiture or disqualification to the chief inspector.

Where forfeiture ensues, chief inspector to be notified.

25 **206.** The judge, magistrate, justice or justices of the peace on any conviction of any person for an offence against this Act shall send forthwith to the chief inspector a certificate of such conviction.

Certificate of conviction.

207. All persons convicted of offences under this Act 30 punishable by imprisonment may be so imprisoned in the common gaol of the judicial district within which such conviction takes place.

Place of imprisonment.

208. Every corporation incorporated by or under an Act of the Legislature of Ontario and every corporation incorporated otherwise than by or under an Act of the said Legislature 35 which transacts any business within the Province shall be deemed to be and shall be in all respects subject to the provisions of this Act and every such corporation shall as to any act, matter or thing done in Ontario in, about, concerning and 40 touching or relating to liquor, be deemed to be and shall be within the jurisdiction of the courts of this Province and of every judge, magistrate, justice or justices of the peace within the Province. It shall not be necessary for the prosecutor in any proceeding under this Act against a corporation to prove 45 the fact of incorporation.

Corporations to be deemed within the jurisdiction of the courts of the Province.

Prosecutions,
etc., of cor-
porations,
manner of
service.

209. In all prosecutions, actions or proceedings under the provisions of this Act against a corporation every summons, warrant, order, writ or other proceeding may in addition to any other manner of service which may be provided or authorized by law, be served on such corporation by delivering the same to any officer, attorney, or agent of the said corporation or by leaving it at any place where it carries on any business; provided that service in any other way shall be deemed sufficient if the court, judge, magistrate, justice or justices of the peace by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of such corporation.

15

Penalty, how
recovered
against cor-
porations.

210. Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, magistrate, justice or justices of the peace, by his or their conviction or order after adjudging payment of such penalty, compensation or sum of money with or without costs may order and adjudge that in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

25

Copy of con-
viction may be
filed.

(2). In any such case and in addition to the other remedies provided hereby a copy of such conviction or order certified to by any judge, magistrate, justice or justices of the peace or by the officer in whose custody the same is by law required to be kept, may be filed in the Central Office at Osgoode Hall, in the City of Toronto, and such conviction or order may become a judgment of the High Court, and all proceedings may thereupon be taken and had as on any judgment of said court.

35

Cancellation
of corpora-
tion's license
in default.

(3). In the case of the conviction of or an order against a corporation, which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order the Lieutenant Governor in Council may in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

40

Proviso.

(4) Provided always that nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may by law be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

50

DISPOSITION OF PENALTIES.

211. The penalties in money under this Act, or any portion of them which may be recovered, shall be paid to the convicting judge, magistrate, justice or justices of the peace and shall by him be paid to the Provincial Treasurer.

Payment of fines.

212. All fines levied under this Act shall go to the consolidated revenue fund of this Province, except as hereinafter provided.

To go to consolidated revenue fund.

REMISSION OF PENALTIES.

213. No judge, magistrate, justice or inspector shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act, and every judge, magistrate and justice is hereby required to make a return of the case and pay over all fines and money immediately on receiving the same to the Provincial Treasurer.

Penalties not to be remitted.

214. The Lieutenant Governor in Council may in a proper case order any fine under this Act to be remitted or, if paid, to be refunded in whole or in part.

Lieutenant-Governor may remit fine.

POWERS OF INSPECTORS AND OFFICERS.

215. Any police officer, policeman or constable or inspector of licenses shall, for the purpose of preventing or detecting the violation of any of the provisions of this Act, at any time have the right to enter into any or every part of any place other than a private dwelling house, whether under license or not, and to make searches in every part thereof and of the premises connected therewith as he may think necessary for the purposes aforesaid.

Officers may enter and search premises.

(2) Every person being therein or having charge thereof who refuses or fails to admit such police officer, policeman, constable or inspector demanding to enter in pursuance of this section in the execution of his duty or who obstructs or attempts to obstruct the entry of such police officer, policeman, constable or inspector on any such searches as aforesaid, shall be guilty of an offence against this Act.

Penalty of refusing admittance to officers.

216. Any county or district court judge, magistrate or justice of the peace, if satisfied by information on the oath of any police officer, policeman, constable or inspector that there is reasonable ground for belief that any liquor is being sold or kept for sale or disposal or had or kept contrary to the provisions of this Act in any place within his jurisdiction, may grant a warrant under his hand by virtue whereof it shall be lawful for the person named in such warrant at any time or times within ten days from the date thereof to enter if need be by force the place named in the warrant and every part thereof and of the

Search warrant.

premises connected therewith, and to examine the same and search for liquor therein; and for such purpose such person may, with such assistance as he deems expedient, break open any door, lock or fastenings of such premises or any part thereof or of any closet, cupboard, box, or other article suspected to contain any such liquor; and in the event of any liquor being so found unlawfully had or kept on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purposes of sale contrary to the provisions of this Act, and may be arrested by such officer or person having the warrant for searches aforesaid, and any person so arrested shall be liable to be charged and dealt with as provided under this Act, and may be fined or imprisoned therefor as provided in section 151 of this Act. 5 10

Seizure and
forfeiture of
liquors and
vessels,

(2). When any inspector, policeman or officer, in making or attempting to make any search under or in pursuance of the authority conferred by this Act or under the warrant mentioned in this section, finds in an unlicensed house or place any liquor, which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same and the vessels in which the same is kept; and upon the conviction of the occupant of such house or place or any other person for keeping liquor for sale or unlawfully having or keeping liquor in such house or place, the justice making said conviction may in and by the said conviction or by a separate and subsequent order, declare the said liquor and vessels, or any part thereof, to be forfeited to Her Majesty to be sold or destroyed as the Minister may direct, and the proceeds of any such sale shall be forthwith transmitted to the Provincial Treasurer to form part of the Consolidated Revenue fund. 15 20 25 30

Powers of
officers.

217. Police officers, policemen and constables shall have full authority to enforce any of the provisions of this Act.

Register of
licenses.

218. (a). The Chief Inspector shall keep a register to be called "The Register of Licences", containing the particulars of all licenses granted in each district, the premises in respect to which they are granted, the names of the licensees and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Act; and he shall also enter on the register all forfeitures of licenses, disqualifications of licensees, records of convictions and other matters relating to the licenses then on the register; and he shall 35 40

Record of
applications.

(b) Keep a record of all applications made under this Act, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the applications were heard, and the manner in which the same were disposed of, including in cases of refusal the cause, or causes thereof; and 45

Extracts to be
furnished.

(c) On request forthwith transmit extracts from any such register of licenses or record of applications to any local in- 50

spector, or to the clerk of any court within this province, which extracts purporting to be signed by the chief Inspector shall be *prima facie* evidence of the statements contained therein. Chief inspector's annual report.

5 **219.** The chief inspector shall also report annually on the thirty-first day of December to the Minister, and this report shall contain :

(a) A statement of the number and description of licenses, and the names of applicants to whom licenses were granted
10 during the year.

(b) The names of applicants to whom licenses were not granted.

(c) Any other statement required to be entered in the Register of Licenses.

15 (d) The prosecutions for infractions of this Act, and the result of the same.

(e) General remarks as to the working of the law within the Province.

(f) And also any other remarks asked for by the Minister.
20

220. The local inspectors shall on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year report to the Chief Inspector all prosecutions and convictions obtained
25 under this Act in their respective districts either by them or to their knowledge, giving dates, names of parties, amounts of fines, and the names of magistrates before whom respectively the cases were tried. Reports of local inspectors to Chief Inspector.

GENERAL PROVISIONS.

30 **221.** No member of the Legislative Assembly shall be a party to any bond to be given under this Act. Member of Assembly not to be bondsman.

222. While this Act is intended to prohibit and shall prohibit transactions in liquor which take place wholly within the Province of Ontario except under a license or as otherwise specially provided by this Act, and restrict the consumption of liquor within the limits of the Province of Ontario, it shall not affect and is not intended to affect *bona fide* transactions in liquor between a person in the Province of Ontario and a person in another province or in a foreign country, and
35 the provisions of this Act shall be construed accordingly. Provisions of Act not to affect certain transactions in liquor.

223. *The Liquor License Act*, being chapter 245 of the Revised Statutes of Ontario, 1897, and all amendments thereto are hereby repealed. Repeal.

SCHEDULE A.

FORM 1.

(Referred to in Section 7.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND PLACES FOR OPENING THE POLL.

PROCLAMATION.

County (Riding, City, Town or other Electoral District, as the case may be) of _____, to wit:

Public Notice is hereby given to the Electors of the County (or as the case may be) of _____ that in pursuance of Part I. of *The Liquor Act, 1902*, poll will be opened on the _____ day of the month of _____, in the year _____, in each of the Townships, Wards or Polling Subdivisions in which a polling place is to be opened and kept according to law, viz., (here set out boundaries of polling sub-divisions and polling place in each). Of all which every person is hereby required to take notice, and to govern himself accordingly.

Given under my hand at _____, this _____ day of the month of _____, in the year 18 _____.

(Signature)

A. B.,

Returning Officer.

FORM 2.

(Referred to in Section 13.)

OATH OF THE RETURNING OFFICER.

I, the undersigned A. B., Returning Officer for the County (or Riding or as the case may be) of _____, solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I am legally qualified according to law to act as Returning Officer for the said County (or Riding, as the case may be) of _____ and that I will act faithfully in that capacity, without partiality, fear, favour or affection: So help me God.

(Signature)

A. B.,

Returning Officer.

FORM 3.

(Referred to in Section 14.)

COMMISSION OF RETURNING OFFICER'S CLERK.

To E. F. (set forth his legal addition and residence).

Know you, that in my capacity of Returning Officer for the County (or as the case may be) of _____, I have appointed and do

hereby appoint you to be my Clerk, to act in that capacity according to law at the approaching vote upon *The Liquor Act, 1902*, for the said County (or as the case may be) of _____

Given under my hand this _____ day of _____, in the year 18 _____.

(Signature)

A. B.,

Returning Officer.

55 V. c. 3, Form 3.

FORM 4.

(Referred to in Section 15.)

OATH OF THE RETURNING OFFICER'S CLERK.

I, the undersigned *E. F.*, appointed Returning Officer's Clerk for the County (or as the case may be) of _____, solemnly swear (or, if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of Returning Officer's Clerk, and also in that of Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection : So help me God.

(Signature) *E. F.*,

Election Clerk.

55 V. c. 3, Form 4.

FORM 5.
(See Sections 5 and 39.)

FORM IN WHICH THE BLANK VOTERS' LIST IN THE POLL BOOK TO BE FURNISHED BY THE CLERK OF THE
CROWN IN CHANCERY TO RETURNING OFFICERS IS TO BE PREPARED.

Number prefixed.	NAME OF VOTERS.	Place of Residence.	If Voter is an Unfranchised Indian show property qualification.	Objections.	Sworn or affirmed.	Refused to swear or affirm.	Column for marks indicating that Voter has offered to vote.	REMARKS.

NOTE.—The Numbers directed by section 41 of this Act to be prefixed by the Deputy Returning Officer to the names in the Voters' List are to be placed in the first column.

FORM 6.

(Referred to in Section 24.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G. H. (Insert his residence and legal addition.)

Know you that, in my capacity of Returning Officer for the Electoral District of _____, I have appointed and do hereby appoint you to be Deputy Returning Officer for the _____ Polling Subdivision of the Township (or as the case may be) of _____ in the said Electoral District, there to take the votes of the electors according to law, at the polling place to be by you opened and kept for that purpose, and you are hereby authorized and required to open and hold the poll for the voting upon *The Liquor Act, 1902*, for the said _____ Polling Subdivision of the said Township (or as the case may be) of _____ on the day of _____ A.D. 18____, at nine o'clock in the forenoon, at (here describe particularly the place in which the poll is to be held), and there to keep the said poll open during the hours prescribed by law, and to do and perform in such polling place all acts and duties required to be performed by the Deputy Returning Officer appointed to act therefor, and to return to me on or before the _____ day of _____ A.D. 18____, together with this commission, the several packets and documents required to be returned to me in the manner prescribed by Part I of *The Liquor Act, 1902*.

Given under my hand at the _____ of _____ in the County
(or as the case may be) of _____ this _____ day of
A.D. 18____.

(Signed) _____ A. B.,
Returning Officer.

FORM 7.

(Referred to in Section 25.)

OATH OF DEPUTY RETURNING OFFICER.

I, the undersigned G. H., appointed Deputy Returning Officer for the _____ Polling Subdivision of the Township (or as the case may be) of _____, in the County (or as the case may be) of _____, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully, in my said capacity of Deputy Returning Officer, without partiality, fear, favour or affection. So help me God.

(Signature) _____ G. H.,
Deputy Returning Officer.

FORM 8.

(Referred to in Section 34.)

CERTIFICATE OF CLERK OF MUNICIPALITY.

Shewing date fixed for the assessor to begin to make the assessment roll and the last day on which a complaint could be made to the County Judge under section 17 of The Ontario Voters' Lists Act:

Voting upon *The Liquor Act, 1902,*

for the Electoral District of

I,

clerk of the Municipality of

in the County of

, do hereby certify that the time fixed for the assessor to begin to make the assessment roll on which the voters' list proper to be used for the purposes of the last general election of members to serve in the Legislative Assembly is based, was the day of 18, and that the last day on which a complaint could be made to the County Judge under section 17 of *The Ontario Voters' Lists Act* in respect of any error or omission in the said voters' list, was the day of 18.

Dated this

day of

189 .

(Signed)

Clerk.

FORM 19.

(Referred to in Section 34).

CERTIFICATE OF CLERK AS TO DATES OF RETURN AND FINAL REVISION OF THE ASSESSMENT ROLL.

Voting upon *The Liquor Act, 1902,*

Electoral District of

I, A. B., Clerk of the Municipality of , in the County of , do hereby certify that the Assessment Roll for this Township (or as the case may be), of upon which the Voters' List to be used at the last general election of members to serve in the Legislative Assembly was based, was returned to me by the Assessor for said Township (or as the case may be), on the day of , 18, and that the same was finally revised and corrected on the day of , 18.

Dated this

day

, 18 .

A. B.,

Clerk.

FORM 10.

To be put up at all Polling Places.

NOTICE AS TO SECRECY OF VOTING.

(Referred to in Section 5.)

It is the sworn duty of the Deputy Returning Officer, and of every clerk and agent at this polling place, not to attempt to ascertain how any person is about to vote or has voted; and not to attempt to see or ascertain, at the counting, the number on the back of any ballot paper, or the number on any counterfoil; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is the further sworn duty of the deputy returning officer, and of every clerk and agent at this polling place, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable, on summary conviction before a stipendiary or police magistrate or before two justices of the peace, to imprisonment with hard labour for six months.

No person shall open or otherwise interfere with any ballot-box or package of ballot papers in use for the purposes of the voting, or shall attempt to do so; and any returning officer guilty of any violation of such section is liable to imprisonment for two years, with hard labor, and any other person guilty of such violation to imprisonment for six months, with hard labor.

In addition to every other penalty and liability, any officer or clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall forfeit to any person aggrieved by the misfeasance, act or omission, a penal sum of \$400.

This notice is placarded by order of the Legislature.

CHARLES CLARKE *(or as the case may be)**Clerk of the Crown in Chancery.*

FORM 11.

(Referred to in Section 6.)

FORM OF DECLARATION BY AGENT.

In the matter of The Liquor Act, 1902.

I do solemnly declare that I am interested in and desirous of obtaining an affirmative *(or a negative, as the case may be)* answer to the question stated in the ballot paper.

Solemnly declared at
this day of } *(Signature of Agent.)*
1902. Before me

A. B.,

Returning Officer or Deputy Returning Officer *(as the case may be.)*

FORM 12.

(Referred to in Sections .)

COMMISSION OF A POLL CLERK.

To I. J. (Insert his legal addition and residence.)

Know you, that in my capacity of Deputy Returning Officer for the
Polling Subdivision of the Township (or as the case may be)
of , in the County (or as the case may be) of
, I have appointed and do hereby appoint you to be
Poll Clerk for the said Polling Subdivision of the said
Township (or as the case may be) of
Given under my hand, at this day of
the month of , in the year 18 .

(Signature)

G. H.,

Deputy Returning Officer.

FORM 13.

(Referred to in Section 53.)

OATH OF A POLL CLERK.

I, the undersigned I. J., appointed Poll Clerk for the Poll-
ing Subdivision of the Township (or as the case may be) of
in the County (or as the case may be) of , do solemnly
swear (or, if he be one of the persons permitted by law to affirm in civil cases,
do solemnly affirm) that I will act faithfully in my capacity of Poll Clerk,
and also in that of Deputy Returning Officer, if required to act as such,
according to law, without partiality, fear, favour or affection : So help me
God.

(Signature)

I. J.,

Poll Clerk.

55 V. c. 3, Form 15.

FORM 14.

(Referred to in Section 53.)

OF OATH IN ORDINARY CASES TO BE ADMINISTERED AT AN ELECTION
TO A VOTER BY VIRTUE OF MANHOOD SUFFRAGE.

(1) You swear (1) That you are the person named or intended to be
named by the name of in the list of voters now
shown to you in the poll book.

(2) That you are a British subject by birth or naturalization.

(3) That you have resided within this Province for nine months before
the (2) day of , being the day
fixed by statute or by by-law authorized by statute for beginning to make
the assessment roll in which you were entitled to be entered as a person
qualified to vote.*

(4) That you were at the date aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this Province continuously from the said date (3), and that you are now actually residing and domiciled therein at (state place of residence, giving street number or lot and concession).

or

[(3) That you have resided within this Province for twelve months before the (2) day of , being the day up to which complaint could be made to the County Judge under *The Ontario Voters' Lists Act* to insert the name of any person in the list.

(4) That you were at the time aforesaid in good faith a resident of and domiciled in the municipality in the list of which you were entered; that you have resided in this Province continuously from the said date (3), and that you are now actually residing and domiciled therein at] (state place of residence, giving street number or lot and concession).

(5) That you are entitled to vote upon this question and in this municipality.

(6) That you are of the full age of 21 years.

(7) That you have not voted before upon this question, either at this or any other polling place.

(8) That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

(9) And that you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question

So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(2) The date to be inserted is at the choice of the elector to be either the date fixed by law for the assessor to begin to make the assessment roll or the last day for making a complaint to the County Judge under section 17 of *The Ontario Voters' List Act*. (See copy of certificate of clerk.)

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following "except occasionally or temporarily, in the prosecution of your occupation as (mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

55 V. c. 3, Form 16.

FORM 15.

(Referred to in Section 53.)

FORM OF OATH TO BE ADMINISTERED TO MANHOOD SUFFRAGE VOTERS
AT ELECTIONS IN CITIES AND IN TOWNS TO WHICH THE MAN-
HOOD SUFFRAGE REGISTRATION ACT APPLIES.

1. You swear (1) that you are the person named or intended to be named by the name of in the list of voters now shown to you in the poll book.

2. That you are a British subject by birth or naturalization.

3. That you resided within this Province for the twelve months next preceding the (2) day of 18 (3).

4. That you were on the said day in good faith a resident of and domiciled in this electoral district; that you have resided in this Province continuously from the said day† and that you are now actually residing and domiciled therein at (state place of residence, giving street number or lot and concession).

5. That you are entitled to vote upon this question in this electoral district.

6. That you are of the full age of 21 years.
7. That you have not voted before upon this question, either at this or any other polling place.
8. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question or for loss of time, travelling expenses, hire of team, or any other service connected therewith.
9. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question. So help you God.

NOTE.—(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) Insert here the day of the first sitting held for the registration of Manhood Suffrage Voters, on which the poll book is based.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

FORM 16.

(Referred to in Section 53.)

FORM OF OATH TO BE ADMINISTERED TO A VOTER IN UNORGANIZED TERRITORY WHERE THERE IS NO ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be named by the name of _____ in the list of voters now shown to you in the poll book.
2. That you are a British subject by birth or naturalization.
3. That you have resided within this Province for nine months before the (2) first day of June, 18 ____.
4. That you were at the date aforesaid in good faith a resident of and domiciled in this electoral district, and that you have resided in this Province continuously from the said date (3), and that you are now actually residing and domiciled therein at (*state place of residence, giving street number or lot and concession*).
5. That you are entitled to vote upon this question and at this polling place.
6. That you are of the full age of twenty-one years.
7. That you have not voted before upon this question, either at this or any other polling place.
8. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote upon this question or for loss of time, travelling expenses, hire of team, or any other service connected therewith. (c)
9. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting upon this question. So help you God.

(c) See note (a) to Form 16 for paragraph which voter may substitute for above paragraph 8.

(1) If the voter is a person who may by law affirm in civil cases then for “swear” substitute “solemnly affirm.”

(2) The date to be here inserted is the first day of June in the year in which the last voters’ list was prepared.

(3) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following, “except occasionally or temporarily in the prosecution of your occupation as (*mentioning, as the case may be, a lumberman or mariner, or fisherman, or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.*)”

FORM 17.

(Referred to in Section 13).

FORM OF OATH OF UNENFRANCHISED INDIAN VOTING AS OWNER, TENANT OR
OCCUPANT OF REAL ESTATE WHERE THERE IS AN ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be
named by the name of _____ on the list of voters
now shewn (2) to you in the poll book.

2. That on the (3) _____ day of _____ 18 _____, you were
actually, truly and in good faith possessed to your own use and benefit,
as either owner, tenant or occupant in your own right or in the right of
your wife of the real estate in respect of which your name is as aforesaid
entered on the said list of voters in the poll book, and are as such entitled
to vote upon this question.

3. That you do not reside among Indians or on an Indian reserve.

4. That you are actually and in good faith a resident of and domiciled
within this Province at *(state place of residence, giving street number or lot
and concession.)*

5. That you are of the full age of twenty-one years.

6. That you are a subject of Her Majesty either by birth or by natural-
ization ;

7. That you have not voted before upon this question, either at this or any
other polling place ;

8. That you have not received anything nor has anything been promised
you either directly or indirectly, either to induce you to vote upon this
question or for loss of time, travelling expenses, hire of team, or any
other service connected therewith ; (d)

9. And that you have not directly or indirectly, paid or promised any-
thing to any person, either to induce him to vote, or to refrain from
voting, upon this question. So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "swear"
substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list in the
poll book to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF
THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be
the date of the RETURN by the Assessor of the assessment roll upon which the
voters' list in the poll book is based ; or the day so certified to be the date when
by law the said roll was to be considered and taken as FINALLY REVISED.

(d) See note (a) to Form 16 for paragraph which voter may substitute for above
paragraph 8.

FORM 18.

(Referred to in Section 53.)

FORM OF OATH OF UNENFRANCHISED INDIAN VOTING AS OWNER, TENANT OR
OCCUPANT OF REAL ESTATE WHERE THERE IS NO ASSESSMENT ROLL.

1. You swear (1) that you are the person named or intended to be
named by the name of _____ on the list of voters now shown (2) to
you in the poll book.

2. That on the first day of June, 18 (3), you were actually, truly and
in good faith possessed to your own use and benefit as either owner, tenant,
or occupant, in your own right or in the right of your wife of real estate of
the value of \$100, being the real estate in respect of which your name is
as aforesaid entered on the said list of voters in the poll book, and are as
such entitled to vote upon this question.

3. That you do not participate in the annuities, interest, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians or on an Indian reserve.

4. That you are actually and in good faith a resident of and domiciled within this Province at (*state place of residence, giving street number and lot or concession.*)

5. That you are of the full age of twenty-one years.

6. That you are a subject of Her Majesty either by birth or naturalization.

7. That you resided within this Province for the nine months next preceding the first day of June, 18 (3).

8. That you have not voted before upon this question, either at this or any other polling place.

9. That you have not received anything nor has anything been promised you either directly or indirectly, either to induce you to vote upon this question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. (e).

10. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote, or to refrain from voting upon this question. So help you God.

(1) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(2) The Deputy Returning Officer should hereupon shew the voters' list in the poll book to the voter.

(3) The date to be here inserted in administering the oath is the first day of June in the year in which the last voters' list was prepared.

FORM 19.

(Referred to in Section 65.)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOT PAPERS.

COUNTED.			
(1)	Ballot papers counted for the Affirmative.....		
	“ “ “ the Negative.....		
REJECTED.			
(2) (a)	Number of papers rejected as wanting signature or initials of Deputy Returning Officer.....		
(b)	Number of papers rejected as having a writing or mark by which they could be identified.....		
(c)	Number of papers rejected as unmarked or void for uncertainty.....		
	Total number of persons voting.....		
(Signed)		Deputy Returning Officer.	
(Signed)			
Dated this		Poll Clerk. A.D., 189 ..	

FORM 20.

(Referred to in Section 70.)

BALLOT PAPER ACCOUNT.

Received from Returning Officer.			
Ordinary Ballot Papers			
Tendered Ballot Papers			
Manner in which Ballot Papers dealt with.			
(1)	Number Counted	Packets A and B	
(2)	" Rejected	Packet C	
(3)	" Unused	Packet D	
(4)	" Spoiled	Packet E	
(5)	" Ballot Papers given to Voters who afterwards returned the same de- clining to vote	} Packet F	
(6)	" Declaration of "Inability to read and "Physical incapacity" and all cer- tificates received by Deputy - Returning Officer		} Packet G
(7)	" Ballot Papers taken from the polling place		
(Signed)		Deputy Returning Officer.	

Dated this day of A.D., 189 .

FORM 21.

(Referred to in Section 61.)

FORM OF DECLARATION OF INABILITY TO READ.

I, A. B., of , being numbered on the list of
voters for Polling Subdivision No. , in the Electoral District of
 , do hereby declare that I am unable to read [or that
I am from physical incapacity unable to mark a ballot paper, (as the case
may be.)]

A. B. (His × mark.)

The day of A.D. 18 .

FORM 22.

*(Referred to in Section 61.)*FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE
DECLARATION OF INABILITY TO READ.

I, the undersigned, being the Deputy Returning Officer for Polling Subdivision No. for the Electoral District of do hereby certify that the above (or as the case may be) declaration, having been first read to the above named A. B., was signed by him in my presence with his mark.

(Signed) C. D.,

Deputy Returning Officer for Polling
Subdivision No. , in the Electoral
District of .

Dated this day of , A.D. 18 .

FORM 23.

*(Referred to in Section 72)*OATH OF THE DEPUTY RETURNING OFFICER AFTER THE CLOSING
OF THE POLL.

I, the undersigned, Deputy Returning Officer for the Polling Subdivision of the Township (or as the case may be), of in the Electoral District of , do solemnly swear that to the best of my knowledge the annexed voters' list used in and for the said Polling Subdivision of the said was so used under my direction in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

I further solemnly swear that my examination of the ballot papers after the closing of the polling to ascertain that they were the ballot papers which I had supplied, was made and completed before opening the ballot papers in order to count the same, and that in making this examination I looked at the backs only and so far only as was necessary for the said purpose, and without opening any ballot paper, or seeing, or permitting any one to see, the front thereof.

And I solemnly swear that at the counting of the ballots at the close of the polling I kept the ballot papers with their printed faces upwards as required by law; that I took all proper precautions for preventing any person from seeing the numbers printed on the back of the ballot papers; that I did not by any means whatever attempt at the counting to ascertain, or permit myself to ascertain, the number on the back of any ballot paper.

I further solemnly swear that I have not by any means whatever attempted to ascertain how any person voted upon this question; and that I did not permit any other person to obtain at any time any information as to any of the said particulars.

I further solemnly swear that I have not communicated and will not hereafter communicate to any person, directly or indirectly, any informa-

tion as to how any voter voted, or any information which might or may enable or assist any person to ascertain how any person has voted. And lastly, that the within statement of the poll and ballot paper account are correct in every particular to the best of my knowledge and belief.

(Signed) C. D.,
Deputy Returning Officer.

Sworn and subscribed before me at
this day of , A.D. 18 .

(Signed) X. Y.,
Justice of the Peace.
Or A. B.,
Returning Officer.
Or C. D.,
Election Clerk.

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

55 V. c. 3, Form 25.

FORM 24.

OATH OF THE POLL CLERK AFTER THE CLOSING OF THE POLL

(Referred to in Section 73.)

I, the undersigned Poll Clerk for the Polling Subdivision of , in the Electoral District of , do solemnly swear that the annexed voters' list used in and for the said Polling Subdivision of the said under the direction of , who has acted as Deputy Returning Officer for such Polling Subdivision, has been so used by me under his direction as aforesaid, and that the entries required by law to be made therein have been so made by me correctly and to the best of my skill and judgment.

And I solemnly swear that I have not attempted by any means whatever to see or ascertain at the counting of the ballot papers the number on the back of any ballot paper; and that I have not by any means whatever attempted to ascertain how any voter marked his ballot upon this question.

I further solemnly swear that I have not communicated, and will not hereafter communicate, to any person, directly or indirectly, any information as to how any voter voted, or any information which may enable any person to ascertain how any person has voted. And lastly, that the within statement of the poll is correct in every particular to the best of my knowledge and belief.

(Signed) E. F.,
Poll Clerk.

Sworn and subscribed before me at this
day of , A.D. 18

(Signed) X. Y.,
Justice of the Peace (or Deputy Returning Officer)
(or as the case may be.)

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM 25.

(Referred to in Section 156.)

OATH OF SECRECY.

I, the undersigned,
solemnly promise and swear that I will not attempt to ascertain, and will not by any means in my power permit any other person to ascertain, how any person is about to vote or shall have voted at this polling save and except what may be necessary and proper in the case of blind persons or persons unable to read, or incapable of marking their ballot papers as provided in section 61 of *The Liquor Act, 1902*.

I further solemnly swear that I will not communicate to any person any information of any kind which may enable or assist any person to ascertain how any person has voted.

I further solemnly swear that I will in all respects maintain, and aid in maintaining, the absolute secrecy of the voting at the polling place.

So help me God.

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM 26.

(Referred to in Section 69.)

OATH BY MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER PACKETS TO THE RETURNING OFFICER.

I, _____, solemnly swear that I am
the person to whom
Deputy Returning Officer for the Polling Division of the
of _____ in the Electoral District of
delivered the election packets for the said Polling Division, to be delivered
to _____, Returning Officer for the said Electoral District,
in consequence of the said Deputy being unable through illness or some
other cause to deliver the same personally to the Returning Officer; that
the packets which I have delivered to the said Returning Officer this day
are all the packets I so received; that I have not opened any of them,
and that they have not been opened by any other person since I received
them from the said Deputy Returning Officer.

So help me God.

Sworn and sub-
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil cases, he may solemnly affirm.

FORM 27.

(Referred to in Section 78.)

OATH TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING HIS
RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, _____ Returning Officer for the Electoral District of _____
swear that, of the packets received by me as
such Returning Officer from the Deputy Returning Officers in respect of
of the recent voting upon *The Liquor Act, 1902*, for the said
Electoral District, I have not opened or permitted to be opened, any of
the packets containing the ballot papers or the counterfoils; that I have
not opened or permitted to be opened, any of the packets so received
except those authorized and directed to be opened by a Returning Officer
by and under section 75 of the said Act; and that none of the other
packets were opened by any person since they were returned to me
by the Deputy Returning Officers. (Or, in case of there having
been a recount by the County Judge, add, except by the county judge on
a recounting of the votes by the said judge.)

I further swear that I have not attempted to ascertain, and have not
ascertained, from the ballot papers or other contents of any of the said
packets how any person voted.

I further swear that I have this day and before swearing to this oath,
transmitted to the clerk of the Crown in Chancery my return with respect
to the said voting as required by law.

So help me God.

Sworn and sub-
scribed, etc. }

NOTE.—Where the deponent is one of the persons permitted by law to affirm in civil
cases he may solemnly affirm.

SCHEDULE B.

FEES OF RETURNING OFFICERS, ETC.

(Referred to in Section 92.)

Returning Officers—Rural Electoral Districts.

1. Drawing Proclamation.....one dollar.
2. Paid printing copiesactual cost.
3. Mileage on posting same, for each mile necessarily travelled
from place to place, to be taxed as Sheriff's mileage on summoning
jurorsten cents per mile.

5. Clerk, one day *two dollars.*
6. Two constables, one day (each) *one dollar.*
7. Appointing Deputies, and swearing them (each)..... *fifty cents.*
8. Furnishing copies of Voters' Lists, when necessary *as allowed by the Ontario Voters' Lists Act.*
9. Mileage to deliver same to Deputies, when necessary ; only one mileage for both, to be taxed as above, per mile *ten cents.*
10. Making up and transmitting returns to the Clerk of the Crown in Chancery (including duplicates to each candidate, and all other necessary services connected therewith)..... *ten dollars.*
11. For special services not otherwise provided for, such amount as the Lieutenant-Governor may think reasonable under the circumstances of the case.
12. Postage *amount actually paid out.*
13. Pay of Clerk, one day *two dollars.*

Deputy Returning Officers.

15. Taking the polls, including all the services connected therewith, and making returns' *four dollars.*
16. Paid Poll Clerk, one day..... *two dollars.*
17. And one constable, one day..... *one dollar.*
18. For each polling booth, *actual cost, not exceeding four dollars*, to be paid by the Township Treasurer, on the order of the Deputy Returning Officer, unless the Township Council provide suitable polling places at their own expense.

In Cities and Towns.

19. To Returning Officers, in cities and towns, holding polling and making returns (exclusive of actual charge for printing)..... *twenty dollars.*
 21. To Deputy Returning Officers, Election Clerks, Poll Clerks and Constables, the same charge as at rural elections ; and the like charge paid in the same manner, for polling booths, as in rural polling places.
-

SCHEDULE C.

PROVINCE OF ONTARIO.

*The Liquor Act, 1902.*Wholesale
license.

Druggist's Wholesale License.

Whereas , of , being a chemist or druggist duly registered as such under and by virtue of *The Pharmacy Act* has made application for the issue to him of a druggist's wholesale license under the provisions of *The Liquor Act, 1902*, in respect of the warehouse or store defined as follows :

and it has been made to appeal to the undersigned that the said has complied with the provisions of the said Act in that behalf and has obtained the recommendation of the chief license inspector therefore, and that no objection exists to the granting of the said license.

Therefore this is to certify that a druggist's wholesale license under the provisions of the said *The Liquor Act, 1902*, is hereby granted to the said authorizing him during the period commencing on the day of , and ending on the day of , to sell subject to the provisions of the said *The Liquor Act, 1902*, in the warehouse or store hereinbefore defined, alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes and to sell to any duly registered medical practitioner and to any druggist holding a druggist's retail license under the said *The Liquor Act, 1902*, but to no other, liquor not exceeding in quantity five gallons at any one time.

Dated this day of , 190 .

Retail license.

SCHEDULE D.

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Druggist's Retail License.

Whereas , of , being a chemist or druggist duly registered and licensed to practice and carrying on business as such and under and by virtue of *The Pharmacy Act*, has made application for the issue to him of a druggist's retail license under the provisions of *The Liquor Act, 1902*, in the store defined as follows :

and it has been made to appear to the undersigned that the said has complied with the provisions of the said Act in that behalf and has obtained the recommendation of the chief inspector therefor and that no objection exists to the granting of the said license.

Therefore this is to certify that a druggist's retail license under the provisions of the said *The Liquor Act 1902*, is hereby granted to the said authorizing him during the period commencing on the day of , and ending on the day of to sell liquor as defined by *The Liquor Act, 1902*, for medical and sacramental purposes only in the store hereinbefore defined, subject to the provisions of the said Act relating to druggist's retail licenses, and to the other general provisions of the said Act.

Dated this day of 190 .

SCHEDULE E.

PROVINCE OF ONTARIO.

*The Liquor Act, 1902.*Application
for licence.

To the Attorney-General of the Province of Ontario.

The undersigned, _____, of _____, in the Province of Ontario _____ druggist hereby applies for the issue to him of a druggist's _____ license under the provisions of the said *The Liquor Act 1902*, authorizing him to exercise the privileges of a druggist licensee under the said Act and subject thereto during the period commencing on the _____ day of _____, and ending on the _____ day of _____, in the warehouse and store defined as follows : _____ which premises are owned by _____ whose address is as follows :

The applicant is a person of good reputation and character and he has been without a conviction of any offence against any of the provisions of this Act or any previous *Liquor License Act* within three years prior to the date of this application.

The warehouse or store in respect of which the applicant applies for a license is such as is required by the said Act and is suitable for carrying on a business in a reputable way.

The applicant is duly authorized to engage and is lawfully and in good faith engaged in this Province in the business of chemist and druggist as the true owner thereof, and has in such business a stock of drugs of the value of at least _____ dollars.

The applicant produces herewith in support of his application the affidavits of himself and of _____ and _____ also the bond prescribed by said Act.

The applicant prays that a license may be granted to him accordingly.

Dated this _____ day of _____ 190 .

SCHEDULE F.

Affidavit to
accompany
application.

CANADA :
Province of Ontario. }
To Wit :

I _____ of the _____ of _____ druggist, make oath in the Province of Ontario, and say :

1. I am the applicant named in the within application for the issue to me of a druggist's _____ license under the provisions of *The Liquor Act, 1902*.

2. The statements contained in the said application are true.

Sworn before me at _____
in the Province of Ontario }
this _____ day of _____
A.D. 190 .

CANADA : " }
 Province of Ontario. }
 To Wit : }

We, _____ of the _____ of
 in the Province of Ontario, and _____ of the
 _____ of _____ in the Province of Ontario,
 do severally make oath and say :

1. That we know _____ the applicant named in the
 within application.
2. The statements contained in the said application are true.

The above named _____
 and _____ were severally
 sworn before me at _____
 _____ in the Province of Ontario,
 this _____ day of _____
 A.D. _____

SCHEDULE G.

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Know all men by these presents that we, _____
 of _____ and _____
 of _____ and _____
 of _____ are held and firmly bound unto His
 Majesty King Edward, his heirs and successors, as follows, that is
 to say, the said _____ in the sum of five hundred dollars
 of good and lawful money of Canada, the said _____ in the
 sum of two hundred and fifty dollars of like good and lawful money, and
 the said _____ in the sum of two hundred and fifty dollars
 of like good and lawful money, for payment of which well and truly to be
 made we bind ourselves and each of us, our heirs, executors and adminis-
 trators firmly by these presents.

Bond for
 wholesale
 license.

Sealed with our seals and dated this
 day of _____ A.D. 190 _____

Whereas the above bounden _____ has applied for and
 is about to obtain a druggist's wholesale license authorizing him during
 the period commencing on the _____ day of _____
 and ending on the _____ day of _____ to sell subject
 to the provisions of the said *The Liquor Act, 1902*, in the warehouse or
 store defined as follows : _____ alcohol not exceeding in
 quantity ten gallons at any one time to any person for mechanical or
 scientific purposes, and to sell to any duly registered medical practitioner,
 and to any druggist holding a druggist's retail license under the said *The
 Liquor Act, 1902*," but to no other, liquor, as defined by said Act, not
 exceeding in quantity five gallons at any one time.

Now, therefore, the conditions of this obligation is such that if the
 said _____ shall at all times during the continuance of the said
 license well and faithfully keep and observe all the regulations, restric-
 tions and requirements of the said *The Liquor Act, 1902*, in respect of the
 said druggist's wholesale license so to be issued to him, and shall not
 violate any of the provisions of the said Act, and shall pay all fines and
 penalties which he may be condemned to pay for any offence against any
 statute or other provision having the force of law now or hereafter to be
 enforced relative to such druggist's wholesale license, and do and perform
 and observe all the requirements thereof, and conform to all rules and
 regulations that are or may be established by competent authority on such
 behalf, then this obligation shall be void, otherwise it shall remain in full
 force virtue and effect.

Signed, sealed and delivered }
 in the presence of }

PROVINCE OF ONTARIO.

The Liquor Act, 1902.

Bond (retail license.) Know all men by these presents that we, of and bound unto His Majesty, King Edward, his heirs and successors, as follows, that is to say the said in the sum of five hundred dollars of good and lawful money of Canada the said in the sum of two hundred and fifty dollars of like good and lawful money and the said in the sum of two hundred and fifty dollars of like good and lawful money for payment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this day A.D. 190

Whereas the above bounden has applied for, and is about to obtain a Druggist's Retail License authorizing him during the period commencing on the of and ending on the day of to sell in the store defined as follows :—

Liquor as defined by said Act for medical and sacramental purposes only, subject to the provisions of the said Act relating to Druggist's Retail Licenses and to the other general provisions of the said Act.

Now therefore the condition of this obligation is such that if the said shall at all times during the continuance of the said license well and faithfully keep and observe all the regulations, restrictions and requirements of the said *The Liquor Act, 1902*, in respect of the said Druggist's Retail License so to be issued to him, and shall not violate any of the provisions of the said Act, and shall pay all the fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law now or hereafter to be in force relative to such Druggist's Retail License and do and perform and observe all the requirements thereof and perform and observe all the requirements hereof and conform to all rules and regulations that are or may be established by competent authority in such behalf then this obligation shall become void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered }
in the presence of }

SCHEDULE H.

Ontario. }
To Wit : }

Affidavit to obtain liquor. I of the of in the Province of Ontario make oath and say :

That I reside at the of in the Province of Ontario and am engaged in

That of is required by me to be used for purposes and for no other purpose ; that such liquor is not intended to be used as a beverage or mixed with any other liquor for use as a beverage nor to sell nor to give away.

That this application is made to druggist, for said liquor.

Sworn before me at
in the Province of Ontario
this day of
A.D. 190
A Commissioner, etc.

SCHEDULE I.

Ontario. }
To Wit : }

Request by
clergyman.

I of the of in the Province of Ontario,
minister of the Gospel, and now being of the Church at
hereby request you to sell me for sacramental purposes only
of wine

Dated at this day of A.D. 190 A.B.

To

Druggist's Retail Licensee.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Sale of Intoxicating
Liquors in the Province of Ontario.

First Reading, 12th February, 1902.

Mr. Ross.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 *The Municipal Act* is amended by adding after section 18, Rev. Stat.,
 5 as enacted by section 2 of *The Municipal Amendment Act,* c. 223,
 1901, the following section: amended.

18a.—(1) "Upon the application of the council of any town Reducing area
 or incorporated village in the districts where there is no county of town or
 organization, or upon the application of such number of owners village in un-
 10 of any lands in any such town or village as shall represent at organized
 least one half the amount of the assessed value of all lands in- territory.
 cluded within the limits or area proposed to be withdrawn
 from such town or village, the Lieutenant-Governor in Council
 may, but subject to arbitration as hereinafter mentioned, re-
 15 duce the area of such town or village and may exclude and
 detach such lands or any portion thereof or any lands situate
 outside the new limits to be defined by such arbitration,
 from the said town or village, and annex the same to some
 adjoining municipality.

20 (2) Provided that such reduction of area and detachment or Award.
 separation of lands where the council of the town or village
 or of the municipality to which it is proposed to annex such
 lands as the case may be, opposes the same, then and in that
 event the matters in difference shall be submitted to, and be
 25 subject to the award of the arbitrators to be appointed under
 subsection 4 of this section, who, by their award may confirm,
 modify or vary or entirely reject the proposed reduction of
 area and detachment or separation of land, and in the event
 of entire rejection by the award of the said arbitrators no
 30 further proceedings shall be taken for a period of two years.

(3) In the event of the proposed reduction of area and de- Settling terms
 tachment and separation of lands not being entirely rejected of separation.
 by the arbitrators but by their decision taking effect in whole
 or in part, and in default of agreement between the municipi-
 35 palities interested, the arbitrators shall in their award deter-
 mine the terms and conditions of said separation and the
 adjustment of assets and liabilities with respect to the lands
 so separated between the municipal corporation of such town
 or village and the municipality to which such lands shall be

annexed, and who shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed and the amounts to be received by such last mentioned municipality from the town or village, together with such other terms and conditions as the said arbitrators may impose.

Appointment
of arbitrators.

(4)—(a). One of the said arbitrators shall be appointed by the Lieutenant-Governor in Council; another shall be named by the council of the said town or village and the third arbitrator shall be appointed by the council of the municipality to which it is proposed to annex such lands.

(b) In case the council of such town or village or municipality, fails to appoint an arbitrator within six weeks after service of which notice from the other municipality interested naming the arbitrator, or in case an arbitrator appointed by any such council, refuses to act, then in any or all of such cases, arbitrators to take their place shall be appointed by the Lieutenant-Governor in Council.

(c) In case of the death or incapacity of any such arbitrator occurring after his appointment, another arbitrator shall be appointed in his place by the same authority which appointed the arbitrator so dying or becoming incapacitated, and the provisions of clause (b) as to appointments by the Lieutenant-Governor in Council shall apply to the appointments to be made under this clause, where any council fails to appoint a new arbitrator within two weeks from the date of the death or incapacity of its arbitrator so dying or becoming incapacitated.

(d) The award of the said arbitrators, or a majority of them shall be binding and final.

Fees of
labor.

(5) The fees of the arbitrators, including the cost of the award shall not in any case exceed \$75 and shall be paid by the town or village municipality from which said lands are detached and the municipality to which said lands are annexed in equal shares.

Payment
of proportion
of debt.

(6) After the separation of such lands from the town or village, the municipality to which the same shall be annexed, shall pay to the town or village from which such lands have been taken, such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration, and shall be entitled to receive from and be paid by the said town or village, the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided

New limits
to be defined.

(7) The application for separation of lands from such town or village under this section shall be by petition to the Lieutenant-Governor in Council and same shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not, by such change of boundaries,

be reduced in population below the number of seven hundred and fifty souls.

(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof. Municipal powers, etc., not otherwise affected.

2. The said Act is amended by inserting therein the following as section 568a :

568a. Subject to the provisions contained in section 35 of *The Municipal Amendment Act, 1899*, and amendments there-
 10 to, every municipal council owning and operating works for the production and distribution of electric light, heat and power, or for supplying gas and water, or owning and operat-
 ing any electric street railway or any one or more of such
 15 works or undertakings, in lieu of generating its own power for use in connection with such works or any of them, shall
 have power to contract for such supply of electric or other
 power as may be required for public uses, and, when author-
 ized to supply the same, for private uses for any number of
 years, not in the first instance exceeding twenty years and for
 20 renewing such contract from time to time for such period not exceeding twenty years as the council may direct.

5th Session, 9th Legislature
2 Edward VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th February, 1902.

MR. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 161.]

BILL.

[1902.

An Act to amend The Local Courts Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section (5) of section 5 of *The Local Courts Act* is
5 amended by inserting after the word "Renfrew" in the third
line thereof the words "Leeds and Grenville."

Rev. Stat.
c 54, s. 5,
sub-s. 5
amended.

No. 161.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Local Courts Act.

First Reading, 13th February, 1902.

MR. GRAHAM.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Electric Railways.

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 83 of *The Electric Railway Act* is amended by adding thereto the following subsections :—

Rev. Stat.
c. 209, s. 83,
amended

(3) Any company to which this Act applies, owning or operating a line of railway between and connecting any city, town or village with any other city, town or village shall have the right to join, unite and connect such line of railway at any point thereon with the line or lines of any other railway to which this Act applies, or of any street railway operated or existing within any of the cities, towns or villages between or connecting which such company may own or operate such line or lines of railway, upon the lands, grounds or right of way of such other railway, or street railway, with the necessary or convenient side-tracks, turn-outs and switches and other conveniences, in furtherance of the objects of such connections.

Electric rail-
way may
connect with
street railway
in city or
town, etc.

(4) Every such other railway, or street railway, with whose line or lines the company shall desire to make such connection or connections, shall join with the company in forming and completing such connections and grant the facilities aforesaid ; and the company shall have the further right to use and to operate its cars and trains to, upon and over such connections, side-tracks, switches and conveniences, and the tracks and terminal and other facilities belonging to or operated by such other railway, or street railway, and for that purpose to use the right-of-way, tracks, switches, side-tracks and terminal and other facilities, and all poles, overhead wires, span-wires and other fixtures and apparatus for the transmission of electrical or other power, and to use such power in and about the operation of the cars and trains of the company and the transaction and carrying on of the business of the company.

Arrangements
for crossings,
connections,
etc.

(5) The company so joining, uniting or connecting its lines with those of such other railway or street railway shall pay and render to the owners of such other railway, or street railway, fair and adequate compensation for the use of the property and power so used, and if the company and the person firm or corporation with whose line or lines such connection

Compensation

or connections are made, and whose property is used by the company as aforesaid, cannot agree upon the compensation to be paid by the company for its use of such property and power, or upon the points and manner of such connection or connections, then the same shall be ascertained and fixed by the Commissioner of Public Works ; and the said commissioner shall have, full power and authority, upon application made in writing, by either the company, or the person firm or corporation with whose line or lines the company proposes to connect its railway, or whose property or power the company proposes to use as aforesaid, to hear and determine the question or questions of the points or manner of making such connection or connections, and the compensation to be paid for the property and power used by the company, as aforesaid, and to impose such terms as to the cost of maintenance of such connection or connections, and as to all other matters in connection therewith, as he may deem proper.

Commissioner
of Public
Works,
to hear parties
and decide
terms.

(6) The said commissioner shall give both parties to such application an opportunity to be heard thereon ; and the decision and determination of said commissioner regarding any such matter or question presented by and upon such application shall be final and conclusive upon the parties interested.

Company
desiring
connection
to pay cost
thereof.

(7) The company desiring to make such connection or connections shall pay all costs and expenses incurred for altering or replacing rails, tracks, poles, wires or fixtures, and otherwise completing such connection or connections.

Vestibules on
motor cars.

2.—(1) Every electric railway company and every street railway company operating its line by electricity, and every railway company operating its line by any motive power other than steam or the use of animals, shall provide proper and sufficiently closed vestibules upon its cars for the protection of the motormen and other persons in charge of the motor and operating the same from exposure to cold, snow, rain and sleet during the months of November, December, January, February and March. And every such company operating its cars without rear-end vestibules shall allow the conductors employed on such cars to stand inside the cars so far as is consistent with the proper performance of their duties during the said period.

Rev. Stat.,
c. 223, s. 569,
ss. 4, applica-
tion of.

(2) Subsection 4 of section 569 of *The Municipal Act* shall not, nor shall any by-laws passed thereunder be deemed to require any electric railway company to place rear-end vestibules on such cars provided the conductors employed thereon are allowed to stand inside the said cars during the said period.

Cost of pend-
ing actions not
affected.

(3) Nothing in this section contained shall affect the question of costs in any action or other proceeding pending at the time of the passing hereof.

No. 162.

5th Session, 9th Parliament,
2 Edward VII., 1902

BILL.

An Act respecting Electric Railways.

First Reading, 13th February, 1902.

Mr. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

No. 163.]

BILL.

[1902.

An Act to amend The Act respecting the Devolution of Estates.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 8 of the said Act is amended by inserting after
5 the words "Judicature Act" in the sixth line the words fol-
lowing: "or of the County Judge or Local Master of the county
where the real estate is situate."

Rev Stat
c. 127, s. 5
amended.

2. Sub-section 2 of the said section 8 is repealed.

Rev. Stat.
c. 127, s. 5,
sub-s. 2
repealed.

3. Section 16 of the said Act is amended by inserting after
10 the words "Judicature Act" in the thirteenth line the words
following: "or of the County Judge or Local Master of the
county wherein the real estate is situate," and by inserting
after the words "official guardian" in the fourteenth line the
words "or County Judge or Local Master."

Rev. Stat.
c. 127, s. 16
amended.

No. 163.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Act respecting the
Devolution of Estates.

First Reading, 13th February, 1902.

Mr. LUCAS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

A Bill to incorporate The Canada Central Railway Company.

WHEREAS Thomas William Patterson, of the City of Van- Preamble.
couver, railway contractor; Thomas H. Johnson, of the
City of Winnipeg, barrister; John Milne, of the City of
Duluth, in the State of Minnesota, one of the United States of
5 America, lumberman; Ebenezer F. B. Johnston, of the City of
Toronto, in the Province of Ontario, Esquire, and Marshall
Burns Lloyd, of the City of Minneapolis, in the State of Min-
nesota, one of the United States of America, manufacturer,
have by their petition prayed for an Act of Incorporation
10 under the name of "The Canada Central Railway Company,"
for the purpose of constructing and operating a railway from
some point at or near the mouth of French River, on the north
shore of Lake Huron, to some point on the Albany River as
hereinafter set forth; and it has been represented that the
15 line of the railway of the company so to be incorporated will,
for the most part, be constructed in the unorganized part of
the Province; and it is proposed to operate the same by steam
or electricity; and whereas, owing to the location of the line
of the said railway, the provisions of *The Electric Railway Act*
20 are not applicable to the company so to be incorporated, and
the said petitioners have prayed that there may be conferred
upon them the powers ordinarily given upon the incorporation
of a railway to be operated by steam; and whereas for the
reasons aforesaid the circumstances of the said proposed line
25 of railway are exceptional; and whereas it is expedient to
grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

30 1. Thomas William Patterson, of the City of Vancouver, Incorpora-
railway contractor; Thomas H. Johnson, of the City of Win-
nipeg, barrister; John Milne, of the City of Duluth, in the
State of Minnesota, one of the United States of America,
lumberman; Ebenezer F. B. Johnston, of the City of Toronto,
35 in the Province of Ontario, Esquire; and Marshall Burns
Lloyd, of the City of Minneapolis, in the State of Minnesota,
one of the United States of America; and such other persons
and corporations as shall hereafter become shareholders of the

company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Canada Central Railway Company," hereinafter called "the company".

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity with single or double iron or steel tracks commencing from a point at or near the mouth of the French River on the north coast of Lake Huron, north-westerly to some point on Whanapitae Lake, thence northerly to some point at or near the head waters of the Montreal River in the District of Nipissing, thence north-westerly to some point on the Albany River in the Province of Ontario, with power to construct a branch line southerly from said line of railway to the Towns of Port Arthur and Fort William on Lake Superior; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional
directors.

4. The said Thomas William Patterson, of the City of Vancouver, railway contractor; Thomas H. Johnson, of the City of Winnipeg, barrister; John Milne, of the City of Duluth, in the State of Minnesota, one of the United States of America, lumberman; Ebenezer F. B. Johnston, of the City of Toronto, in the Province of Ontario, Esquire, and Marshall Burns Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer, with power to add to their number shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made,

and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude anyone from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more of the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the Province of Ontario, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purpose of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario: and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance to company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock not binding until approved.

8. The company may receive from any government or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be

Capital stock.

divided into shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. 5

First meeting
to elect direc-
tors.

10. When and as soon as shares to the amount of one hundred thousand dollars of capital stock in the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the City of Toronto, of the time, place and purpose of the said meeting. 15 20

Directors,
number,
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. 25 30 35

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Construction
of line by
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as 40 45

the company may from time to time see fit, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and
 5 the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass,
 10 together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said
 15 Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this
 20 Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of
aliens.

15. The directors may, from time to time, make calls as
 they shall think fit, provided that no call shall be made at
 25 any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act. Calls.

16 The provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the
 30 company, such sums as they may deem expedient to engineers or contractors, or for right of way, terminal lands, water privileges, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who
 35 may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. Payments in
paid up stock
or bonds.

17. The head office of the company shall be at the City of
 40 Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof
 45 shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place. Head office,
annual
meetings.

Special
general
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such a manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

5

Voting by
proxy

19. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

10

Bonding
powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be subject and according to, and in conformity with the provisions of the said sub-sections.

20

Bonds and
their transfer.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery and any holder of any such security so made payable to bearer, may sue at law thereon in his own name.

25

Negotiable
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Mortgaging
bonds.

23. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds

which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements
for hiring
rolling stock
etc.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone, and collect tolls for so doing.

Telegraph
and tele-
phone lines.

26. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Municipal
aid to com-
pany.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following namely:—

Submitting
bonus
by-laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six

weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*, and the amendments thereto. 5

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid. 10

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. 15

Terms of
municipal
bonus by-laws.

28. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law. 20 25

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. 30 35

Deposit for
expenses of
submitting
by-law.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Council to
pass by-law if
assented to.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. 40

Issue of municipal debentures.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures 45

provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

32. In case any such loss, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Rate in portion of municipality.

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of Rev. Stat c. 223, to bonus by-laws.

34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

By-laws extending time for commencement.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extending time for completion.

36. Any municipality or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

Limit of rates in aid of company.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no

By-laws exempting from municipal taxation.

such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of
land from mu-
nicipalities.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of
municipal
debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustees, or if the Lieutenant-Governor in Council shall omit to name such trustees within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant Governor in Council.

Trusts of
municipal
debentures.

40. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company and subject to the conditions of the by-law in relation thereto, as to the time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Central Railway, Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. thereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or

delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

5 **41.** The trustees shall be entitled to their reasonable fees Fees of and charges from the said trust fund, and the act of any two trustees. of such trustees shall be as valid and binding as if the three had agreed.

10 **42.** Whenever it shall be necessary for the purpose of pro- Power to pur-
curing sufficient land for stations, or gravel pits, or for con- chase whole
structing, maintaining and using the said railway, and in case lots,
by purchasing the whole of any lot or parcel of land over
which the railway is to run, the company can obtain the same
at a more reasonable price, or to greater advantage than by
15 purchasing the railway line only, the company may purchase,
hold, use and enjoy such lands, and also the right of way
thereto, if the same be separated from their railway, and may
sell and convey the same, or any part thereof, from time to
time, as they may deem expedient; but the compulsory clauses
20 of *The Railway Act of Ontario* shall not apply to this section.

25 **43.** When stone, gravel, earth or sand is or are required for Taking lands
the construction or maintenance of said railway, or any part for gravel
thereof, the company may, in case they cannot agree with the pits, etc.
owner of the lands on which the same are situate for the pur-
chase thereof, cause an Ontario Land Surveyor to make a map
and description of the property so required, and they shall
serve a copy thereof, with their notice of arbitration, as in
case of acquiring the roadway, and the notice of arbitration,
the award and the tender of compensation, shall have the same
30 effect as in the case of arbitration for the roadway; and all
the provisions of *The Railway Act of Ontario*, and of this
Act, as to the service of the said notice, arbitration, compensa-
tion, deeds, payment of money into court, the right to sell, the
right to convey, and the parties from whom land may be taken
35 who may sell, shall apply to the subject matter of this sec-
tion, as to the obtaining materials as aforesaid; and such pro-
ceedings may be had by the company either for the right to
the fee simple in the land from which said materials shall be
taken, or for the right to take materials for any time they
40 shall think necessary; the notice of arbitration, in case arbi-
tration is resorted to, to state the interest required.

44.—(1) When said gravel, stone, earth or sand shall be Sidings to
taken under the preceding section of this Act, at a distance gravel pits.
from the line of the railway, the company may lay down the
45 necessary sidings and tracks over any lands which may inter-
vene between the railway and the lands on which said material
shall be found, whatever the distance may be; and all the
provisions of *The Railway Act of Ontario* and of this Act,
except such as relate to filing plans and publications of notice,

shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 5

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply. 10

Snow fences. 45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following. 15 20

Powers of company. 46. The company shall have power and authority—
Power houses, docks, etc. (1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundaries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers and freight and other traffic in connection with the railway. 25 30

Buildings, stations, etc. (2) To erect and maintain all necessary and convenient buildings, stations, depots, wharfs and fixtures, and from time to time alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway; 35

Acquiring water power. (3) To acquire water power from private owners or from the Crown and to construct, maintain and operate works for the production of electricity and the transmission of electrical currents for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company; 40

Disposing of surplus electric power. (4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restric- 45

tions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section :

- (5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the council of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, but the company shall have the right by the erections and constructions usually employed for that purpose to convey electricity for the works of the railway and all other purposes referred to by this Act across or over any unoccupied lands of the Crown.

Acquiring
right to
transmit
electricity.

- 47.—(i) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof ; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to public buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

Construction
of road on
highways.

- (2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.
c. 223.

Acquiring
water lots
and privileges

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; 5 and upon the said water lo's, water frontages and lands, and in and over the waters adjoining the same, to build and maintain booming areas for holding logs or timber and to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of 10 the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for 15 the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, booming areas, elevator, storehouses, 20 warehouses, engine-houses, sheds and other erections or any thereof or any portion thereof, in its discretion to sell, lease or convey.

Acquiring
land for build-
ings, etc., at
terminus.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the 25 said railway for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same, or portions thereof in their discretion to sell and convey and also to make use for the purposes of the said railway of any steam or water course, at or 30 near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Agreements
with other
companies.

50. The company is authorized and empowered to make necessary arrangements to contract and agree with The Cana- 35 dian Pacific Railway Company, The Canadian Northern Railway Company, The Grand Trunk Railway Company, The Canada Atlantic Railway Company, or The Algoma Central Railway Company and to enter into such arrangements for amalgamation as may be agreed on, provided that the terms of 40 such amalgamation are approved of by two thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Running
arrangements.

51. The company shall have power to agree for connections 45 and making running arrangements with the Canadian Pacific Railway Companies or other companies aforesaid if lawfully empowered to enter into such agreements upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it 50

shall also be lawful for the company hereby incorporated to enter into an agreement with the said companies, or any of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

52. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificate is used in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Receiving back charges on goods.

54. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said railway Act and of every Act in amendment thereof so incorporated with this Act.

Rev. Stat. c. 209 not to apply to company.

55. The railway shall be commenced and finally completed after the passing of this Act.

Time for commencement and completion.

SCHEDULE B.

(Section 40.)

The Canada Central Railway Company's Office.
No.

A.D. 19

Chief Engineer's Certificate,
Engineer's Department;

Certificates to be attached to cheques drawn on The Canada Central Railway Company Municipal Trust Account given under section chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, chief engineer of The Canada Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ paid to me (or us) by the Canada Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Canada Central Railway Company, their successors and assigns forever, (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 19 .

Signed, sealed and delivered
In the presence of

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

A Bill to incorporate The Canada Central
Railway Company.

First Reading, , 1902.

(Private Bill.)

Mr. CONNIE.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

A Bill to incorporate The Canada Central Railway Company.

WHEREAS Thomas William Patterson, of the City of Van-
couver, railway contractor; Thomas H. Johnson, of the City of Winnipeg, barrister; John Milne, of the City of Duluth, in the State of Minnesota, one of the United States of America, lumberman; Ebenezer F. B. Johnston, of the City of Toronto, in the Province of Ontario, Esquire, and Marshall Burns Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer, have by their petition prayed for an Act of Incorporation under the name of "The Canada Central Railway Company," for the purpose of constructing and operating a railway from some point at or near the mouth of French River, on the north shore of Lake Huron, to some point on the Albany River as hereinafter set forth; and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas William Patterson, of the City of Vancouver, railway contractor; Thomas H. Johnson, of the City of Winnipeg, barrister; John Milne, of the City of Duluth, in the State of Minnesota, one of the United States of America, lumberman; Ebenezer F. B. Johnston, of the City of Toronto, in the Province of Ontario, Esquire; and Marshall Burns Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, and such other persons and corporations as shall hereafter become shareholders of the

Preamble.

Incorporation.

company hereby incorporated are hereby constituted a body corporate and politic under the name of "The Canada Central Railway Company," hereinafter called "the company".

Location of
line.

2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity with single or double iron or steel tracks commencing from a point at or near the mouth of the French River on the north coast of Lake Huron, north-westerly to some point on Whanapitae Lake, thence northerly to some point at or near the head waters of the Montreal River in the District of Nipissing, thence north-westerly to some point on the Albany River in the Province of Ontario, with power to construct a branch line southerly from said line of railway to the Towns of Port Arthur and Fort William on Lake Superior; and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act* and in *The Municipal Act*, ⁴²⁷ and any Act or Acts amending the same; provided that *The Electric Railway Act* shall not apply to the company except in so far as their railway is constructed along or upon a public highway. ⁴²⁸

Gauge.

3. The gauge of the said railway shall be four feet eight and one half inches.

Provisional
directors.

4. The said Thomas William Patterson, of the City of Vancouver, railway contractor; Thomas H. Johnson of the City of Winnipeg, barrister; John Milne, of the City of Duluth, in the State of Minnesota, one of the United States of America, lumberman; Ebenezer F. B. Johnston, of the City of Toronto, in the Province of Ontario, Esquire, and Marshall Burns Lloyd, of the City of Minneapolis, in the State of Minnesota, one of the United States of America, manufacturer, with power to add to their number shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of

stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock, who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, in the Province of Ontario, or at such other place as may best suit the interests of the company.

6. Conveyances of lands to the company for the purpose of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The company may receive from any government or from any person or bodies corporate, municipal or politic who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Capital
stock.

Rev. Stat.
c. 207.

9. The capital stock of the company hereby incorporated shall be \$1,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First meeting
to elect direc-
tors.

10. When and as soon as shares to the amount of one hundred thousand dollars of capital stock in the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the City of Toronto, of the time, place and purpose of the said meeting.

Directors,
number,
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat.
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Construction
of line by
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The*

Railway Act of Ontario, and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, ^{Rev. Stat. c. 207.} so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. ^{Rights of alien.}

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 17 of this Act. ^{Calls.}

16. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or contractors, or for the right of way, terminal lands, water privileges or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock, and on which ^{Directors empowered to pay in stock.}

no call is in default and unpaid, at a general meeting specially called for that purpose.

Head office,
annual
meetings.

17. The head office of the company shall be at the City of Toronto, and the general annual meeting of the shareholders of the company shall be held in such place in the said City of Toronto on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special
general
meetings.

18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such a manner and for such purposes as may be provided by the by laws of the company, and upon such notice as is provided in the last preceding section.

Voting by
proxy

19. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company.

Bonding
powers.

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Rev. Stat.
c. 207.

Bonds and
their transfer.

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Negotiable
instruments.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by laws of the company, which by-laws shall be submitted for approval by the Lieutenant Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it

be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

23. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Mortgaging
bonds.

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other movable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

Agreements
for hiring
rolling stock
etc.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone; and collect tolls for so doing.

Telegraph
and tele-
phone lines.

26. Any municipality or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the

Municipal
aid to com-
pany.

municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Submitting
bonus
by-laws.

27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following namely:—

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat.
c. 223.

(2) In the case of a county municipality the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act*, and the amendments thereto.

Rev. Stat.
c. 223.

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Terms of
municipal
bonus by-laws.

28. Such by-law shall in each instance provide:—

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual *special* rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting the said by-law.

Deposit for expenses of submitting by-law.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to pass by-law if assented to.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of municipal debentures.

32. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon shall be assessed and levied upon such portion only of such municipality.

Rate in portion of municipality.

33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Application of Rev. Stat. c. 223, to bonus by-laws.

34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year.

By-laws extending time for commencement.

35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extending time for completion.

36. Any municipality or portion of a township municipality interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate

Limit of rates in aid of company.

annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the ratable property therein.

By-laws exempting from municipal taxation.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land from municipalities.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Trustees of municipal debentures.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee, within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant Governor in Council.

40. The said trustees shall receive the said debentures or bonds in trust: Firstly, under the directions of the company and subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Canada Central Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of
municipal
debentures.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees of
trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to pur-
chase whole
lots.

Rev. Stat.
c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken

Taking lands
for gravel
pit, &c.

Rev. Stat.
c. 207.

or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

Snow fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of His Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Powers of
company.
Power houses,
docks, etc.

46. The company shall have power and authority—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundaries and offices, and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Buildings,
stations, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time

to time to alter, repair or enlarge the same, and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway ;

(3) To acquire water power from private owners or from the Crown and to construct, maintain and operate works for the production of electricity and the transmission of electrical currents for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company ;

Acquiring water power.

(4) To sell or lease in the unorganized territory, and in any municipality where such sale or lease is authorized by law of the council of the municipality and subject to the terms and conditions of such by-law any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this sub-section :

Disposing of surplus electric power.

Rev. Stat. c. 200.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the council of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, but the company shall have the right by the erections and constructions usually employed for that purpose to convey electricity for the works of the railway and all other purposes referred to by this Act across or over any unoccupied lands of the Crown, and subject to such regulations as may be imposed by the Lieutenant-Governor in Council.

Acquiring rights to transmit electricity.

47.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such

Construction of road on highways.

agreement and of *section 2* of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water.

(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.

Rev. Stat.
c. 223.

Acquiring
water lots
and privileges

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining^{to} or connecting with^{the} the same, to build and maintain booming areas for holding logs or timber^{and} and for such purpose the company shall have all the rights powers and privileges conferred by *The Timber Slide Companies Act* upon companies incorporated under the said Act and shall be subject to all the conditions and regulations imposed and prescribed by or under the said Act;^{and} and to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, booming areas, elevators, storehouses, warehouses, engine-houses, sheds and other erections or any thereof or any portion thereof, in its discretion to sell, lease or convey.

Acquiring
land for build-
ings, etc., at
terminus.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the

said railway for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections for the uses of the said company, and the same, or portions thereof in their discretion to sell and convey and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

50. The company is authorized and empowered to make necessary arrangements to contract and agree with The Canadian Pacific Railway Company, The Canadian Northern Railway Company, The Grand Trunk Railway Company, ^{the} of Canada, ^{the} The Canada Atlantic Railway Company, or The Algoma Central Railway Company, ^{or} or any of them, if lawfully authorized ^{to} to enter into such arrangements for amalgamation ^{with} with any or either of them ^{as} as may be agreed on, ^{provided} provided that no such contract shall be of any force or validity unless first authorized by resolution passed by the votes of the shareholders in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid, at a general meeting specially called for that purpose. ^{Agreements with other companies.}

51 The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company or other companies aforesaid if lawfully empowered to enter into such agreements upon terms to be *first authorized* by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said companies, or any *or either* of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be *so authorized* by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario ^{Running arrangements.}

52. Shares in the capital stock of the company may be ^{Transfer of shares.}

transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates is used in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Receiving
back charges
on goods.

53. The company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Rev. Stat.
c. 209 not to
apply to com-
pany.

54. Save as expressly provided by this Act the provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except, only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Time for com-
mencement
and comple-
tion.

55. The railway shall be commenced *within three years* and finally completed *within seven years* after the passing of this Act.

Power to
make connec-
tions to be
subject to
subsequent
legislation

56. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, amalgamation or hiring of the said railway, or to sell, or lease or transmit electrical power, shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force and to such terms, conditions, and regulations general or special as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

Limitation of
transmission
of electrical
energy,

57. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

SCHEDULE B.

(Section 40.)

The Canada Central Railway Company's Office.

No.

A.D. 19 .

Chief Engineer's Certificate,
Engineer's Department;

Certificates to be attached to cheques drawn on The Canada Central Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of His Majesty's reign.

I, chief engineer of The Canada Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

[L.S.]

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ paid to me (or us) by the Canada Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of \$ paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Canada Central Railway Company, their successors and assigns forever, (here insert any other clauses, conditions and covenants required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 19 .

Signed, sealed and delivered
In the presence of

[L.S.]

No. 164.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

A Bill to incorporate The Canada Central
Railway Company.

First Reading, 28th February, 1902.

(Reprinted as amended by Railway Com-
mittee.)

Mr. CONNIE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Act.

1. Section 66 of chapter 223, R. S. O., 1897, is repealed and the following substituted therefor :—

66. (1) County councils shall be composed as follows :—

- 5 (a) The reeve of every township and village and the mayor of every town within any county shall be members of the county council for such county.
- 10 (b) In any township or village having more than eight hundred electors qualified to vote at the election of members for the said municipal council, if a deputy reeve is elected in said municipality such deputy reeve shall be a member of the said county council.
- 15 (c) In towns having more than eight hundred electors qualified to vote at the election of said town council, if a reeve is elected in said town said reeve shall be a member of said county council, and if said towns have more than sixteen hundred electors so qualified to vote, the deputy reeve of such town, if one is elected, shall also be a member of
- 20 said county council.
- 25 (d) In townships, towns and villages where no reeve or deputy reeve is elected as set out in sub-sections *b* and *c* hereto, and where such municipality has more than eight hundred electors qualified to vote as aforesaid then the councillor of such municipality securing the highest number of votes at such election shall be a member of said county council.
- 30 (e) Every township, town or village in any county shall be entitled to one representative in the county council for every eight hundred electors in said township, town or village, qualified to vote at said municipal elections, and such representative to the county council shall be chosen as herein set out.
- 35 (2) The number of electors qualified to vote as herein set out shall be calculated from the last revised assessment roll of such municipality.

(3) Cities, towns and other municipalities separated from the county shall not be entitled to representation in said county council, nor shall the Indian reserves not organized as municipalities be entitled to representation in said county council. 5

2. Sections 67, 68, 69, 180, 181, 182, 183 and 191 of Chapter 223, R. S. O., 1897, are repealed.

No. 165.

5th Session, 9th Parliament,
2 Edward, VII., 1902.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th February, 1902.

Mr. BARR.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend the Statute Law.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection 16 of section 8 of *The Interpretation Act* is
5 repealed and the following is substituted therefor : Rev. Stat.,
c. 1, s. 8 (16)
repealed.

16. The word "holiday" shall include Sundays, New Year's
Day, Good Friday, Easter Monday, Christmas Day, the birth-
day, or the day fixed by proclamation for the celebration of
the birthday of the reigning sovereign, Victoria Day, Domin-
10 ion Day, Labor Day, and any day appointed by proclamation
of the Governor-General or the Lieutenant-Governor as a
public holiday, or for a general fast or thanksgiving. " Holiday."

2.—(1) Part III. of *The Ontario Voters' Lists Act* is sus- Rev. Stat. c. 7
amended.
15 pended for three years from the passing of this Act unless
during the said three years it is otherwise ordered by the
Lieutenant-Governor in Council.

(2) Until a new voters' list has been prepared for unorgan- Voters' lists
of 1901 to be
lists for
unorganized
territory.
20 ized territory under the said Part III., or under any other
enactment of the Legislature of this Province, the voters' lists
prepared under the said Part III. in the year 1901 which have
been duly certified shall in any election to the Legislative As-
sembly be the voters' lists for the polling subdivisions to
which such lists are applicable.

3.—(1) Section 10 of *The Ontario Voters' Lists Act* is Rev. Stat.
c. 7, s. 10,
amended.
25 amended by adding thereto the following subsection :—

(2). Upon the outside or cover of each of the copies so sent Date of
posting list to
be printed on
copies.
shall be printed or written conspicuously the date of the post-
ing up of the said list thus :

This list was posted up in the Clerk's office on the
30 day of (fill in date) 19 .

4. Section 102 of *The Ontario Controverted Elections Act* is Rev. Stat. c.
11, s. 102
amended.
amended by adding after the words "Provided for" in the
fourth line of the said section the words "shall be in the first
instance a charge on the money deposited as security and".

Rev. Stat. c.
17, s. 62.

5. Section 62 of *The Act respecting the office of Sheriff* is repealed, and the following is substituted therefor :—

Payment of
amount re-
quired to
make up sher-
iff's income
to \$1,000.

62. Where it appears by the returns to the Lieutenant-Governor or to any department of the Government that any sheriff not paid wholly or in part by salary, derives from the fees and emoluments of his office, after deducting necessary disbursements, an income which does not exceed the sum of \$1,000, there may on the report of the Inspector of Legal Offices be paid to any such sheriff an amount sufficient to make up an income of \$1,000 in any case where the Lieutenant-Governor-in-Council so directs. 5 10

Rev. Stat.
c. 51, s. 3 (10)
repealed.

6. Subsection 10 of section 3 of *The Judicature Act* is repealed and the following substituted therefor :—

President of
High Court.

(10) The President of the said High Court shall be that one of the presidents of the King's Bench, Chancery, or Common Pleas Divisions, who for the time being is first in order of seniority, and in case of the absence or illness of the President of the High Court any duty which he is required to perform under any statute or any rule of court may be performed by the president of any Division. 15 20

Rev. Stat.
c. 51, s. 19
repealed.

7. Section 19 of *The Ontario Judicature Act* is repealed, and the following substituted therefor :—

Delivering
judgments in
Court of Ap-
peal when
vacancy has
occurred.

19. In case after a cause or matter in the Court of Appeal has been heard, and stands for judgment; one of the Judges by whom the appeal was heard is transferred to the Supreme Court of Canada; or resigns his office; or is absent from illness or other cause; or dies; the remaining Judges, or in case there is a difference in opinion, a majority of them may give judgment as if such Judge were still a Judge of the Court of Appeal; and were present and taking part in the said judgment. 25 30

(2) This provision shall apply to cases which have been already heard, and are now standing for judgment in the said Court.

Rev. Stat. c.
52, s. 1,
amended.

8. Section 1 of *The Act respecting the Judges of the Supreme Court of Ontario* is amended by striking out all that part of the said section after the words "thousand dollars" in the sixth line thereof. 35

Rev. Stat.
c. 59, s. 72,
amended.

9.—(1) Section 72 of *The Surrogate Courts Act* is amended by inserting after the word "administrator" in the first, third and fifth lines of the said section the words "or guardian." 40

Rev. Stat.
c. 59, s. 72
amended.

(2) The said section 72 of the said Act is further amended by adding the following subsection thereto :—

Passing ac-
counts by
guardians.

(2) Guardians appointed by the Surrogate Court may pass the account of their dealings with the estate to which they 45

are appointed guardians before the surrogate judge of the county from the surrogate court of which their letters of guardianship issued. This section shall be retrospective, and shall apply to all surrogate court guardians heretofore appointed and who have passed their respective accounts before the surrogate court judge, save and except guardians' accounts in litigation at the date of this Act.

(3) Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor :

Rev. Stat.
c. 59, s. 73,
amended.

(2) The oaths to be taken by executors, administrators and guardians, and the bonds or other security to be given by administrators and guardians and letters probate, letters of administration and letters of guardianship hereafter issued shall require the executor, administrator and guardian to render a just and full account of his executorship, administration or guardianship only when thereunto lawfully required. (See section 13 of chap. 168, R.S.O. and sec. 40 of chap. 129, R.S.O. *Murdy v. Burr*, O.L.R., vol. 2, 1901, p. 310.)

Form of oath
of executor,
etc.

10. Section 5 of *The Evidence Act* is repealed, and the following is substituted therefor :—

Rev. Stat., c.
73, s. 5, re-
pealed.

5—(1) No person shall be excused from answering any question upon the ground that the answer to such question may tend to criminate him, or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person; Provided however that if with respect to any question the witness objects to answer upon the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person, and if but for this section the witness would have been excused from answering such question then, although the witness shall be compelled to answer, yet the answer so given shall not be used or receivable in evidence against him in any civil proceeding or any proceeding against him thereafter taking place under any Act of the Legislature of Ontario.

Incriminating
answers.

(2) Nothing in this section contained shall affect the provisions of section 9 of this Act. (See 56 Vict. chap. 31 (D) and 61 Vict. chap. 53 (D)).

11. Subsection 2 of section 13 of *The Dower Act* is amended by adding thereto the following words: " Except that for filings the affidavits and papers the clerk shall charge the same fees as are payable for filing papers in other cases; the fees for filings in the High Court shall be paid in law stamps " (See R.S.O. 1897, chap. 165, sec. 14.)

Rev. Stat.
c. 164, s. 13 (2)
amended.

12. Subsection 2 of section 11 of *The Ontario Trust Companies Act* is amended by inserting the words " or in securities which are a first charge on lands held in fee simple in the

Rev. Stat.
c. 206, s. 11,
sub-s. 2
amended.

Province of Manitoba," after the word "Provinces" in the 9th line of said subsection.

Rev. Stat.
c. 235, s. 40,
amended.

13. Section 40 of *The Municipal Waterworks Act* is amended by adding thereto the following subsection:—

Same commis-
sioners may
act under
Rev. Stat.
c. 234 as un-
der c. 235.

(5) The council of the township, city, town or village with the assent of the electors of the municipality, to be obtained in the manner provided by *The Municipal Act* in the case of by-laws for the creation of debts, may by by-law provide that the Commissioners elected or to be elected for the purposes of this Act shall have and possess the powers and shall perform the duties of Commissioners under *The Municipal Light and Heat Act* and from and after the passing of such by-law the said Commissioners shall be known as "The Water and Light Commissioners of the _____ of _____," and shall have, possess, enjoy and exercise all the rights, powers and privileges and shall perform all the duties of Commissioners under *The Municipal Light and Heat Act* as well as of Commissioners elected under this Act.

Rev. Stat.
c. 24, s. 4,
sub-s. 1
amended.

14. Subsection 1 of section 4 of *The Succession Duty Act* is amended by striking out the words added to Clause G of the said subsection by subsection 2 of section 6 of *The Succession Duty Amendment Act, 1901*.

Amendment
of convictions
on appeal or
certiorari
proceedings.

15. All the provisions of The Criminal Code, 1892, with respect to amendment of convictions or orders either on appeal or when removed by certiorari, and, subject to section 12 of *The Ontario Summary Convictions Act*, of any other Act of the Parliament of Canada authorizing the amendment of a conviction or order shall apply to convictions or orders made under the authority of any statute of this Province or under any by-law passed by virtue of such authority.

Rev. Stat.
c. 245, s. 105,
repealed.

16. Section 105 of *The Liquor License Act* is repealed.

1 Edw. VII.,
c. 86, amended.

17. The name, "The International Railway Company," is substituted for the name "Buffalo Railway Company" wherever same appears in the statute of Ontario, 1901, chaptered 86, and the same is to be read as if such substituted name had been originally inserted; Provided the Parliament of Canada extends the provisions of the statute of Canada, 1900, chaptered 54, to The International Railway Company, a foreign corporation, as the successor in interest of The Buffalo Railway Company, substituting the name of The International Railway Company wherever the same appears in the said statute of Canada, to be read as if such substituted name had been originally inserted therein; And provided Parliament at same time enacts that the vesting in the said company the business, property, rights and incidents appurtenant thereto and all other things belonging to the Niagara Falls Park and River Railway Company, by any agreement made between it and the

International
Railway
Company.

said Buffalo Company by the said statute of Canada prescribed, did not deprive or assume to deprive the Legislature of Ontario of its powers and rights in respect of the Niagara Falls Park and River Railway Company or the jurisdiction and control of the Commissioners for the Queen Victoria Niagara Falls Park, as by the said statute provided.

18.—(1) Section 8 of *The Ontario Insurance Act* is amended by inserting before the word "ten" in the first line of the said section the following words: "On it being shown to the satisfaction of the Minister that there exists in any municipality of the Province no adequate provision for the insurance on the mutual plan of the property against fire, the said Minister may in writing under seal, certify that cause has been shown, and thereupon."

Rev. Stat.
c. 203, s. 8,
amended.

Establishment
of mutual fire
insurance
companies.

(2) Section 11 of the said Act is amended by striking out "150,000" in the fifth line thereof, and by substituting therefor "200,000."

Rev. Stat.
c. 203, s. 11,
amended.

(3) Section 17 of the said Act is amended by inserting in the second line thereof, after the word "deeds" the following words: "the certificate mentioned in section 8, and also."

Rev. Stat.
c. 203, s. 17,
amended.

(4) Section 6 of the said Act is amended by adding subsection 5 thereto as follows:

Rev. Stat.
c. 203, s. 6,
amended.

"5. In the case of any capital stock raised under any provision of this Act the shares shall be of \$100 each; and the liability of any holder of shares shall be limited to the amount (if any) remaining unpaid upon the shares held by him."

Amount of
shares.

(5) The said Act is amended by inserting therein after section 86, section 86a as follows:

Rev. Stat.
c. 203
amended.

"86a. In the case of any manufacturing risk, if it is proved to the satisfaction of the Insurance Registrar that no insurance or no sufficient insurance can be obtained at the ordinary rate of premium from any insurance corporation standing registered under this Act, the Insurance Registrar may, under his hand and seal of office, grant in writing a permit to the person therein named to effect the necessary amount of insurance in one or more foreign unregistered corporations for a term not exceeding twelve months, specified in the said permit; and such permit shall for the said term exempt the said person and the said insurance contract from the operation of sections 54, 85 and 86 of this Act. In respect of each such permit a fee of \$2 shall be payable to the Provincial Treasurer."

When permit
may be granted
to insure
with foreign
unregistered
corporations.

(6) This Act is further amended by inserting therein, after section 183, section 183a as follows:

Rev. Stat.
c. 203, s. 183,
amended.

"183a. Notwithstanding anything contained in this Act, the Insurance Registrar may by writing under his hand and seal of office, continue or renew or extend the registry of any Provincial Insurance Corporation for the purpose of the winding up of such corporation under chapter 222 of the Revised

Renewing or
continuing
registry for
winding up
purposes.

Statutes of Ontario; and during the continuance of such registry or renewed or extended registry, the sections of this Act numbered respectively 184 to 195 inclusive, shall not apply to the said corporation; but upon the expiry without renewal or upon the revocation or cancellation of such registry the said sections shall apply unless the winding up of the said corporation has previously been completed. 5

No. 166.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Statute Law.

First Reading, 14th February, 1902.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty,

An Act to amend the Statute Law.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 16 of section 8 of *The Interpretation Act* is repealed and the following is substituted therefor : Rev. Stat.,
c. 1, s. 8 (16)
repealed.

16. The word "holiday" shall include Sundays, New Year's Day, Good Friday, Easter Monday, Christmas Day, the birthday, or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign, Victoria Day, Dominion Day, Labor Day, and any day appointed by proclamation of the Governor-General or the Lieutenant-Governor as a public holiday, or for a general fast or thanksgiving. " Holiday.

2.—(1) Part III. of *The Ontario Voters' Lists Act* is suspended for three years from the passing of this Act unless during the said three years it is otherwise ordered by the Lieutenant-Governor in Council. Rev. Stat. c. 7
amended.

(2) Until a new voters' list has been prepared for unorganized territory under the said Part III., or under any other enactment of the Legislature of this Province, the voters' lists prepared under the said Part III. in the year 1901 which have been duly certified shall in any election to the Legislative Assembly be the voters' lists for the polling subdivisions to which such lists are applicable. Voters' lists
of 1901 to be
lists for
unorganized
territory.

(3) In case of a vacancy occurring in the representation of any electoral district in the Legislative Assembly during any period of the suspension of the said Act, the Lieutenant-Governor-in-Council may by a proclamation bring the said Act into force and effect within such electoral district, and may, in the said proclamation, and notwithstanding any provisions to the contrary in the said Act, fix and declare the dates or times for the preparation of the voters' lists within each municipality in such electoral district; for the posting of the same, and the notices of the said posting of such lists; for making complaints and appeals in respect of such lists, and for the hearing of complaints and appeals before the County Judge; and for the final revision of the said lists, and for their being certified to the Clerk of the Peace; and the said dates or times Vacancies in
representation
during sus-
pension of
Act. |

shall be in lieu of the dates or times for the said above mentioned proceedings under the said Act, and, save as aforesaid, all the provisions of the said Act as to the duties, rights, powers, authorities and liabilities thereunder, and as to such dates or times, shall apply and govern the clerks of municipalities, complainants or appellants, the County Judge and Clerk of the Peace, and all others concerned in the administration of the said Act within the said electoral district.

Rev. Stat.
c. 7, s. 10,
amended.

3.—(1) Section 10 of *The Ontario Voters' Lists Act* is amended by adding thereto the following subsection:—

Date of
posting list to
be printed on
copies.

(2) Upon the outside or cover of each of the copies so sent shall be printed or written conspicuously the date of the posting up of the said list thus:

This list was posted up in the Clerk's office on the
day of (fill in date) 19 .

Rev. Stat. c.
11, s. 102
amended.

4. Section 102 of *The Ontario Controverted Elections Act* is amended by adding after the words "Provided for" in the fourth line of the said section the words "shall be in the first instance a charge on the money deposited as security and".

Rev. Stat. c.
17, s. 62.

5. Section 62 of *The Act respecting the office of Sheriff* is repealed, and the following is substituted therefor:—

Payment of
amount re-
quired to
make up sher-
iff's income
to \$1,000.

62. Where it appears by the returns to the Lieutenant-Governor or to any department of the Government that any sheriff not paid wholly or in part by salary, derives from the fees and emoluments of his office, after deducting necessary disbursements, an income which does not exceed the sum of \$1,000, there may on the report of the Inspector of Legal Offices be paid to any such sheriff an amount sufficient to make up an income of \$1,000 in any case where the Lieutenant-Governor-in-Council so directs.

Rev. Stat.
c. 51, s. 3 (10)
repealed.

6. Subsection 10 of section 3 of *The Judicature Act* is repealed and the following substituted therefor:—

President of
High Court.

(10) The President of the said High Court shall be that one of the presidents of the King's Bench, Chancery, or Common Pleas Divisions, who for the time being is first in order of seniority, and in case of the absence or illness of the President of the High Court any duty which he is required to perform under any statute or any rule of court may be performed by the president of any Division.

Rev. Stat.
c. 51, s. 19
repealed.

7. Section 19 of *The Ontario Judicature Act* is repealed and the following substituted therefor:—

Delivering
judgments in
Court of Ap-
peal when
vacancy has
occurred.

19. In case after a cause or matter in the Court of Appeal or a matter referred to the said Court under any Act has been heard and stands for judgment; one of the Judges

by whom the *same* was heard is transferred to the Supreme Court of Canada; or resigns his office; or is absent from illness or other cause; or dies; the remaining Judges, or in case there is a difference in opinion, a majority of them may give judgment as if such Judge were still a Judge of the Court of Appeal; and were present and taking part in the said judgment.

(2) This provision shall apply to cases which have been already heard, and are now standing for judgment in the said Court.

8. Sub-section (5) of section 5 of *The Local Courts Act* is amended by inserting after the word "Renfrew" in the third line thereof the words "Leeds and Grenville." Rev. Stat.
c. 54, s. 5.
sub-s. 5,
amended.

9. Section 1 of *The Act respecting the Judges of the Supreme Court of Ontario* is amended by striking out all that part of the said section after the words "thousand dollars" in the sixth line thereof. Rev. Stat. c.
52, s. 1.
amended.

10.—(1) Section 72 of *The Surrogate Courts Act* is amended by inserting after the word "administrator" in the first, third and fifth lines of the said section the words "or guardian." Rev. Stat.
c. 59, s. 72,
amended.

(2) The said section 72 of the said Act is further amended by adding the following subsection thereto:— Rev. Stat.
c. 59, s. 72
amended.

(2) Guardians appointed by the Surrogate Court may pass the account of their dealings with the estate to which they are appointed guardians before the surrogate judge of the county from the surrogate court of which their letters of guardianship issued. This section shall be retrospective, and shall apply to all surrogate court guardians heretofore appointed and who have passed their respective accounts before the surrogate court judge, save and except guardians' accounts in litigation at the date of this Act. Passing ac-
counts by
guardians.

(3) Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor: Rev. Stat.
c. 59, s. 73,
amended.

(2) The oaths to be taken by executors, administrators and guardians, and the bonds or other security to be given by administrators and guardians and letters probate, letters of administration and letters of guardianship hereafter issued shall require the executor, administrator and guardian to render a just and full account of his executorship, administration or guardianship only when thereunto lawfully required. (See section 13 of chap. 168, R.S.O. and sec. 40 of chap. 129, R.S.O. *Murdy v. Burr*, O.L.R., vol. 2, 1901, p. 310.) Form of oath
of executor,
etc.

11. Section 39 of *The Trustee Act* is amended by inserting therein after the word "trustee" wherever the same appears in the said section the word "guardian." Rev. Stat.
c. 129, s. 39,
amended.

Rev. Stat.
c. 164, s. 13 (2)
amended.

12. Subsection 2 of section 13 of *The Dower Act* is amended by adding thereto the following words: "Except that for filings the affidavits and papers the clerk shall charge the same fees as are payable for filing papers in other cases; the fees for filings in the High Court shall be paid in law stamps." (See R.S.O. 1897, chap. 165, sec. 14.)

Rev. Stat.
c. 206, s. 11,
sub-s. 2
amended.

13. Subsection 2 of section 11 of *The Ontario Trust Companies Act* is amended by inserting the words "or in securities which are a first charge on lands held in fee simple in the Province of Manitoba," after the word "Provinces" in the 9th line of said subsection.

Rev. Stat.
c. 235, s. 40,
amended.

14. Section 40 of *The Municipal Waterworks Act* is amended by adding thereto the following subsection:—

Same commis-
sioners may
act under
Rev. Stat.
c. 234 as under
c. 235.

(5) The council of the township, city, town or village with the assent of the electors of the municipality, to be obtained in the manner provided by *The Municipal Act* in the case of by-laws for the creation of debts, may by by-law provide that the Commissioners elected or to be elected for the purposes of this Act shall have and possess the powers and shall perform the duties of Commissioners under *The Municipal Light and Heat Act* and from and after the passing of such by-law the said Commissioners shall be known as "The Water and Light Commissioners of the _____," and shall have, possess, enjoy and exercise all the rights, powers and privileges and shall perform all the duties of Commissioners under *The Municipal Light and Heat Act* as well as of Commissioners elected under this Act.

Rev. Stat.
c. 24, s. 4,
sub-s. 1
amended.

15. Subsection 1 of section 4 of *The Succession Duty Act* is amended by striking out the words added to Clause G of the said subsection by subsection 2 of section 6 of *The Succession Duty Amendment Act, 1901*.

(2) Subsection 1 of section 6 of *The Succession Duty Amendment Act, 1901*, is amended by inserting after the word "moveable" in the fourth line the words "or personal," and by striking out the word "moveable" in the last line.

Amendment
of convictions
on appeal or
certiorari
proceedings.

16. All the provisions of *The Criminal Code, 1892*, with respect to amendment of convictions or orders either on appeal or when removed by certiorari, and, subject to section 12 of *The Ontario Summary Convictions Act*, of any other Act of the Parliament of Canada authorizing the amendment of a conviction or order shall apply to convictions or orders made under the authority of any statute of this Province or under any by-law passed by virtue of such authority.

Rev. Stat.
c. 245, s. 105,
repealed.
1 Edw. VII.,
c. 86, amended.

17. Section 105 of *The Liquor License Act* is repealed.

18. The name, "The International Railway Company," is substituted for the name "Buffalo Railway Company" where-

ever same appears in the statute of Ontario, 1901, chaptered 86, and the same is to be read as if such substituted name had been originally inserted; Provided the Parliament of Canada extends the provisions of the statute of Canada, 1900, chaptered 54, to The International Railway Company, a foreign corporation, as the successor in interest of The Buffalo Railway Company, substituting the name of The International Railway Company wherever the same appears in the said statute of Canada, to be read as if such substituted name had been originally inserted therein; And provided Parliament at same time enacts that the vesting in the said company the business, property, rights and incidents appurtenant thereto and all other things belonging to the Niagara Falls Park and River Railway Company, by any agreement made between it and the said Buffalo Company by the said statute of Canada prescribed, did not deprive or assume to deprive the Legislature of Ontario of its powers and rights in respect of the Niagara Falls Park and River Railway Company or the jurisdiction and control of the Commissioners for the Queen Victoria Niagara Falls Park, as by the said statute provided.

International
Railway
Company.

19.—(1) Section 8 of *The Ontario Insurance Act* is amended by inserting before the word "ten" in the first line of the said section the following words: "On it being shown to the satisfaction of the Minister that there exists in any municipality of the Province no adequate provision for the insurance on the mutual plan of the property against fire, the said Minister may in writing under seal, certify that cause has been shown, and thereupon."

Rev. Stat.
c. 203, s. 8,
amended.

Establishment
of mutual fire
insurance
companies.

(2) Section 11 of the said Act is amended by striking out "150,000" in the fifth line thereof, and by substituting therefor "200,000."

Rev. Stat.
c. 203, s. 11,
amended.

(3) Section 17 of the said Act is amended by inserting in the second line thereof, after the word "deeds" the following words: "the certificate mentioned in section 8, and also."

Rev. Stat.
c. 203, s. 17,
amended.

(4) Section 6 of the said Act is amended by adding subsection 5 thereto as follows:

Rev. Stat.
c. 203, s. 6,
amended.

5. In the case of any capital stock raised under any provision of this Act the shares shall be of \$100 each; and the liability of any holder of shares shall be limited to the amount (if any) remaining unpaid upon the shares held by him."

Amount of
shares.

(5) The said Act is amended by inserting therein after section 86, section 86a as follows:

Rev. Stat.
c. 203
amended.

86a. In the case of any manufacturing risk, if it is proved to the satisfaction of the Insurance Registrar that no insurance or no sufficient insurance can be obtained at the ordinary rate of premium from any insurance corporation standing registered under this Act, the Insurance Registrar may under his hand and seal of office, grant in writing a permit to the person therein named to effect the necessary amount of insurance

When permit
may be granted
to insure
with foreign
unregistered
corporations.

in one or more foreign unregistered corporations for a term not exceeding twelve months, specified in the said permit; and such permit shall for the said term exempt the said person and the said insurance contract from the operation of sections 54, 85 and 86 of this Act. In respect of each such permit a fee of \$2 shall be payable to the Provincial Treasurer.

Rev. Stat.
c. 203, s. 183,
amended.

(6) This Act is further amended by inserting therein, after section 183, section 183a as follows:

Renewing or
continuing
registry, for
winding up
purposes.

183a. Notwithstanding anything contained in this Act, the Insurance Registrar may by writing under his hand and seal of office, continue or renew or extend the registry of any Provincial Insurance Corporation for the purpose of the winding up of such corporation under chapter 222 of the Revised Statutes of Ontario; and during the continuance of such registry or renewed or extended registry, the sections of this Act numbered respectively 184 to 195 inclusive, shall not apply to the said corporation; but upon the expiry without renewal or upon the revocation or cancellation of such registry the said sections shall apply unless the winding up of the said corporation has previously been completed.

Certain pro-
visions not to
apply to
County of
Elgin.

Rev. Stat.
c. 87,
amended.

Rev. Stat.
cap. 87,
amended.

Appointment
of second
police magis-
trate in cities
of 200,000.

~~20.~~ The provisions of the Act passed during the present session of the Legislative Assembly of Ontario, intituled *An Act to amend the Toll Roads Expropriation Act 1901*, shall not take effect or become operative or have any force within the limits of the County of Elgin.

21. *The Act respecting Police Magistrates* is amended by inserting therein as section 3a thereof the following:—

3a The Lieutenant-Governor in Council may appoint a second police magistrate for any city containing not less than 200,000 inhabitants at a salary to be named in the order making the appointment, or by a subsequent order, and the salary so named shall be paid by the city quarterly to such police magistrate.

Town of
Peterborough
authorized to
grant lands
for drill shed.

22. Notwithstanding anything contained in the Act of the Province of Ontario passed in the 42nd year of the reign of Her late Majesty chaptered 67, it shall and may be lawful for the corporation of the Town of Peterborough and the corporation of the County of Peterborough to grant and convey to His Majesty out of the lands vested in the said corporation by said Act such additional land as may be required by the Government of the Dominion for the site of a new drill hall and armouries in addition to or in substitution for the site of the present drill shed.

Rev. Stat.
c. 60, s. 218,
amended.

23. Section 248 of *The Division Courts Act* is amended by striking out in the fourth and fifth lines of the said section the words "or that the party has failed to attend after being so summoned."

24. Section 7 of *The Ontario Summary Convictions Act*, Rev. Stat. c. 90, s. 7, amended by
Revised Statutes of Ontario, chapter 90, is hereby amended by
adding the following subsection thereto:—

(2) No such conviction or order as aforesaid shall be removed into the High Court of Justice by writ of certiorari except upon the ground that an appeal to the Court of General Sessions of the Peace as herein provided would not afford an adequate remedy.

No. 166.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Statute Law.

First Reading, 14th February, 1902.

(Reprinted as amended in Committee of
the Whole House.)

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty,

No. 167.]

BILL.

[1902.

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 34 of *The High Schools Act* is amended by add-
5 ing thereto the following subsection 8.

(8) Where the trustees of any high school situated in a city
or in a town separated from the county have notified the
county clerk that such high school is open to county pupils
on the same terms as resident pupils, the county council shall
10 in all cases pay the cost of the maintenance of county pupils
at such high schools and such sum may be settled by mutual
agreement, but in case of any dispute the amount shall be
settled as hereinbefore provided.

No. 167.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The High Schools Act.

First Reading, 14th February, 1902.

MR. HARCOURT.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. A tax shall be imposed by each municipality at the cur-
5 rent rate therein at 80 per cent. of the gross earnings from
local or provincial business in such municipality of companies
for the supplying of water, heat, light and power to the muni-
cipalities and the inhabitants thereof, telephone companies,
telegraph companies, express companies, and companies oper-
10 ating street railways and electric railways, such tax to be in
lieu of all taxes, rates and assessments of every nature except
as hereinafter provided.

2. The lands of the said companies and the buildings there-
on other than those hereinafter specified shall be and remain
15 liable for assessment and taxation.

3. The personal property of the said companies acquired
and used for their purposes, and all poles, wires, attachments,
instruments, plant, machinery, structures, substructures, areas,
superstructures, and other things existing, erected or placed
20 in or upon the lands or buildings of the said companies or any
other person, existing, erected or placed upon, in, over, under,
or affixed to any highway, road, street, lane, public or other
place or water within the municipality shall not be assessed.

4. Existing or future contracts with municipalities as to
25 assessment or taxation shall not be and are not hereby
affected.

It shall be the duty of all such companies assessible in any
local municipality to give all necessary information to the
assessors, and if required to deliver to them a statement in
30 writing under the seal of the company and verified by affidavit
of some officer or agent of the company, containing all the
particulars respecting the gross earnings and lands and build-
ings assessible in such municipality of the company.

Any such company which shall not deliver within fifteen days
35 after demand in writing such verified statement shall be liable

to a penalty recoverable by and for the benefit of the municipality in an action in any court of competent jurisdiction in this Province of \$50 a day while such default shall continue.

An assessor shall not be bound to accept any such statement as correct, but he and the corporation's auditor shall be entitled 5 to examine the books, records and vouchers of the company to verify the same and to obtain any and all information therefrom which they may consider necessary to enable the assessor to properly assess such company's said property.

All sections of *The Assessment Act* inconsistent with this 10 Act are declared inapplicable to the said companies.

No. 168.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Assessment Act.

First Reading, 14th February, 1902.

MR. WARDELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Toll Roads Expropriation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Toll Roads Expropriation Act, 1901*, is amended by adding thereto the words:—

1 Edw. VII
c. 33, s. 4,
amended.

“Where such road lies within two counties the municipal council of either county may within months after the receipt, by either of the said councils, of a petition from each of the local municipalities concerned within such counties signed by at least fifty ratepayers of each of such municipalities, apply to the Lieutenant-Governor-in-Council for the appointment of an arbitrator, and the Lieutenant-Governor shall thereupon appoint an arbitrator who shall be sole arbitrator and such arbitrator shall have all the powers conferred upon arbitrators by this Act. The word ‘municipalities’ in this section shall include a city or town separated from the county for municipal purposes.”

Road lying
within two
counties.

2. Section 5 of the said Act is amended by inserting the words “or les-ees” immediately after the word “owners” in the fourth line of the said section and by adding at the end thereof the following words:—This section shall not apply in the case of a road which lies within two counties.”

1 Edw. VII
c. 33, s. 5,
amended.

3. Where two counties are interested in the purchase of any road, they may agree upon the terms under which debentures shall be issued therefor, and where they are unable to agree the arbitrator appointed shall decide all questions in dispute in reference thereto.

Issue of de-
bentures
where two
counties
interested.

No. 169.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Toll Roads Expro-
priation Act.

First Reading, 17th February, 1902.

Mr. BROWER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Act respecting the Office of
Sheriff.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Subsection 2 of section 42 of *The Act respecting the Office* Rev. Stat.
c. 17, s. 42,
subs. 2, re-
pealed.
5 of *Sheriff* is repealed, and the following substituted therefor:—

(2) The fee payable to a sheriff for a certificate given under
this section shall be as follows, namely—Fifty cents for each
name in respect of which the certificate may be required
where there are no executions against the land of the person
10 named.—or fifty cents for the first execution and twenty cents
for each subsequent execution or certificate of claim, but the
maximum fees payable in respect of a certificate given under
this Act shall not exceed four dollars Fees payable
on certificates
as to execu-
tions.

No. 170.

5th Session 9th Legislature,
2 Edward VII, 1902.

BILL.

Act to amend The Act respecting the Office
of Sheriff.

First Reading, 18th February, 1902.

MT. THOMPSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Toll Roads Expropriation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1 Section 4 of *The Toll Roads Expropriation Act, 1901*, 1 Edw. VII., c. 33, s. 4, amended.
 5 is amended by inserting therein after the word "county" in the seventh line the words "may at any time of its own motion and."

2. The said Act is further amended by inserting therein 1 Edw. VII., c. 33, amended.
 the following sections:—

10 4a. In the case of any other toll road where the same lies wholly within two or more municipalities of the same county or where it lies partly in one or more municipalities of a county and partly in a city, or where it lies partly in one or more municipalities of a county and partly in one or more
 15 municipalities of another county the municipal council of any such county may of its own mere motion, and if thereunto required by petition signed by one hundred ratepayers within the county shall at its first meeting after receiving such petition, by by-law appoint an arbitrator for the purposes of this
 20 Act.

4b.—(1) In the case of a road lying partly in a county and partly in another county or a city the councils of the county or of the county and city, as the case may be, shall agree upon an arbitrator or in the event of their failing
 25 to agree such arbitrator shall be appointed by the county judge upon the application of either of the said corporations, and the road company or other owners of the road shall appoint a second arbitrator and the two so chosen shall appoint a third. In the event of disagreement or failure to
 30 appoint, such third arbitrator shall be appointed by the county judge.

(2) The three arbitrators so appointed shall determine the value of the road and the compensation to be paid to the road company or other owner thereof.

35 (3) After an award has been made under subsection 2 of this section the arbitrator appointed by or on behalf of the two municipal corporations interested shall be the sole arbi-

trator to determine the proportions of such compensation which shall be borne and paid by each of such corporations.

Agreement
on sole
arbitrator.

3. Notwithstanding anything in the said Act contained the parties to any arbitration may agree upon the county judge or any other person to act as sole arbitrator in determining 5 any matter under the said Act.

Act to be
read with
1 Edw. VII.,
c. 33.

4. This Act shall be read with and as part of the said *The Toll Roads Expropriation Act, 1901.*

No. 171.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Toll Roads
Expropriation Act.

First Reading, 18th February, 1902.

Mr. DICKENSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Toll Roads Expropriation
Act, 1901.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sections 3, 4 and 5 of *The Toll Roads Expropriation Act, 1901*, are repealed and the following substituted there-
for:—

1 Edw. VII.,
c. 33, ss. 3, 4,
5 repealed.

3.—(1) In the case of any toll road lying wholly within one township the municipal council of such township, and in the case of any such road lying wholly within one or more municipalities of the same county the municipal council of such county may agree with the owners of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and, in the event of their failing so to agree, the same may at the instance of the municipal council of the township or county, as the case may be, be determined by arbitration as hereinafter provided, and if thereto required by a petition signed by fifty ratepayers the municipal council shall within three months take the necessary proceedings for that purpose and pass a by-law appointing an arbitrator.

Where toll
road lies whol-
ly in one town-
ship or in two
or more muni-
cipalities in
the same
county.

(2) On the appointment of an arbitrator as hereinbefore mentioned, either by a township or by a county, the clerk of the township or of the county, as the case may be, shall notify the owners of the road of such appointment. On the receipt of such notice the owners of such road may appoint an arbitrator, and, in default of their doing so within 21 days of the receipt of such notice, the judge of the County Court shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause then the judge of the County Court shall *ex-officio* act as a third arbitrator, ^{and} unless before the expiration of such 14 days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default of their agreeing on a third arbitrator some person other than the judge of the County Court shall be the third arbitrator, in which case such appointment shall be made by the president

Appointment
of arbitrators.

of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other. ²

Where road lies partly within a city or separated town or in another county.

4.—(1) The municipal council of any county (herein called the initiating county) may also in the case of any toll road where it lies partly in one or more municipalities of such county and partly in a city or *separated town*, or where it lies partly in one or more municipalities of such county and partly in one or more municipalities of another county, with the consent of the municipal council of the other county, or of the city or *town*, as the case may be, agree with the owners or lessees of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and may also agree with such other county or such city or *town*, as the case may be, on the proportions in which the amount shall be contributed by them respectively, and in the event of failure to agree on such amount, the same as well as the proportions of contribution may at the instance of the municipal council of the initiating county be determined by arbitration as herein provided.

Appointment of arbitrators.

(2) In case of any such arbitration the municipal council of the initiating county shall appoint by by-law some member of the council or some officer thereof to act on their behalf in the appointment of an arbitrator on behalf of the municipalities, and a copy of such by law shall be served on the clerk of the other county or city or *town* as the case may be, and such other municipality shall within 21 days thereafter by by-law appoint some member of the council or some officer thereof to act on their behalf in the appointment of such arbitrator, and cause a copy of the by-law to be served on the clerk of the initiating county.

If such two persons within 7 days thereafter agree and appoint an arbitrator by writing signed by them, he shall be the arbitrator on behalf of both municipalities, and in default of their agreement within that time or in default of such other municipality within said 21 days appointing a person to act in their behalf, the judge of the County Court of the initiating county shall appoint an arbitrator to act on behalf of the two municipalities, and the clerk of the initiating county shall notify the owners of the road of the appointment, whether by agreement or by the judge. On the receipt of such notice, the owners of such road may appoint an arbitrator, and in default of their doing so within 21 days of the receipt of such notice the judge of the County Court of the initiating county shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause, then the judge of the County Court shall *ex-officio* act as a third arbitrator, ² unless before the expiration of such fourteen days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default

of their agreeing on a third arbitrator some person other than the judge of the County Court shall be the third arbitrator in which case such appointment shall be made by the president of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other.

(3) The three arbitrators so appointed, or a majority of them, shall determine and award the amount to be paid to the owners and after they have done so the arbitrator appointed on behalf of both municipalities shall determine and award the proportions in which such amount is to be contributed by them respectively.

5. In any case falling under sections 3 and 4 the municipality or municipalities and the owners of the road may agree together that the judge of the County Court of the initiating county, or any other person agreed on, may be the sole arbitrator, and the provisions of this Act shall apply in such case, and such sole arbitrator shall, in any case coming under subsection 3 of section 4, determine and award the proportions of contribution.

2. Section 9 of the said Act is repealed and the following section substituted therefor:—

9. After the award of the arbitrator has become absolute or settled on appeal, or after an agreement has been arrived at between the municipality or municipalities as the case may be, and the owners of any road, as to the amount to be paid in order that tolls on such roads may be abolished, the municipal council of any municipality may, in the manner provided for in *The Municipal Act*, ~~and~~ without submitting the same for the assent of the electors, ~~and~~ pass a by-law for borrowing the amount required to be paid by such municipality to purchase the said roads, in accordance with the award of the arbitrators or arbitrator or the agreement made as aforesaid, by the issue of debentures of the municipality payable in not more than thirty years. A county council may provide by such by-law for raising any amount required to pay, and may pay to any municipality or municipalities which are not materially or are only slightly benefitted by the purchase of the road or roads, such a sum by way of bonus, as may be deemed a fair or partial equivalent for the amount which any such municipalities will be required to pay towards the said purchase, or any part thereof.

3. Section 10 of the said Act is amended by inserting the following words after the word "liable" in the sixteenth line:—"Such by-law shall provide for assessing and "levying upon all the ratable property in such respective "municipalities or portions of municipalities the annual sums "necessary to meet the debentures and the interest thereon as "the same fall due and if necessary to form a sinking fund "for that purpose and may be passed by the county council "without submitting the same for the assent of the electors."

Award to determine proportions in which municipalities to contribute.

Agreement upon sole arbitrator.

1 Edw. VII., c. 33, s. 9, repealed.

Borrowing amount necessary to free roads.

1 Edw. VII., c. 33, s. 10, amended.

Provision in by-law for special rates.

1 Edw. VII.,
c. 33, s. 8, sub-
s. 8, amended.

When municipi-
pality must
elect to take
road or aban-
don purchase.

4. Subsection 8 of section 8 of the said Act is amended by adding thereto the following :—

In any case falling under section 4 the road shall be taken and the amount agreed on or awarded shall be paid within one year as aforesaid unless both municipalities elect that the road shall not be taken and so notify the owner and in that case the costs to which the owner has been put shall be paid by the municipalities in equal shares.

1 Edw. VII.,
c. 33, s. 14,
amended.

5. Section 14 of the said Act is amended by inserting the words "two next" before the word "preceding" in the second line.

1 Edw. VII.,
c. 33, s. 15,
repealed.

6. Section 15 of the said Act is hereby repealed and the following substituted therefor :—

Removal of
tolls in cities
and towns on
purchase by
county.

15. On the completion of the purchase of the roads by any county and upon the removal of tolls therefrom, all tolls shall be removed from the portions of such roads lying within the limits of any city or town.

Upon the removal by the county of the tolls from any road under this Act, such road so far as it lies within the county shall thenceforward be a county road within the meaning and provisions of *The Municipal Act*.

1 Edw. VII.,
c. 33, amend-
ed.

S. 1, subs. 2,
repealed.

7. *The Toll Roads Expropriation Act, 1901*, is amended in the following respects :—

Subsection 1 of section 2 is repealed and the following substituted therefor :

"Owner" or "owners" shall include any person or persons, joint stock company or municipality having any legal, equitable or leasehold estate or interest in a road.

S. 8, subs. 6,
amended.

The words "proprietor or proprietors" in subsection 6 of section 8 are struck out and "owner or owners" substituted therefor.

S. 8, subs. 9,
amended.

The words "preceding section" in subsection 9 of section 8 are struck out and "next preceding subsection" substituted therefor.

No. 171.

5th Session, 9th Legislature
2 Edward VII, 1902.

BILL.

An Act to amend The Toll Roads Expro-
priation Act, 1901.

First Reading, 18th February, 1902.

(Reprinted as amended in the Legal Com-
mittee.)

Mr. DICKENSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act to amend The Toll Roads Expropriation
Act, 1901.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sections 3, 4 and 5 of *The Tolls Roads Expropriation Act, 1901*, are repealed and the following substituted there-
for:—

¹ Edw. VII.,
c. 33, ss. 3, 4,
5 repealed.

3.—(1) In the case of any toll road lying wholly within one township the municipal council of such township, and in the case of any such road lying wholly within one or more municipalities of the same county the municipal council of such county may agree with the owners of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and, in the event of their failing so to agree, the same may at the instance of the municipal council of the township or county, as the case may be, be determined by arbitration as hereinafter provided, and if thereto required by a petition signed by fifty ratepayers the municipal council shall within three months take the necessary proceedings for that purpose and pass a by-law appointing an arbitrator.

Where toll
road lies whol-
ly in one town-
ship or in two
or more muni-
cipalities in
the same
county.

(2) On the appointment of an arbitrator as hereinbefore mentioned, either by a township or by a county, the clerk of the township or of the county, as the case may be, shall notify the owners of the road of such appointment. On the receipt of such notice the owners of such road may appoint an arbitrator, and, in default of their doing so within 21 days of the receipt of such notice, the judge of the County Court shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause then the judge of the County Court shall *ex-officio* act as a third arbitrator, ⁴⁷unless before the expiration of such 14 days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default of their agreeing on a third arbitrator some person other than the judge of the County Court shall be the third arbitrator, in which case such appointment shall be made by the president

Appointment
of arbitrators.

of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other. ²¹

Where road lies partly within a city or separated town or in another county.

4.—(1) The municipal council of any county (herein called the initiating county) may also in the case of any toll road where it lies partly in one or more municipalities of such county and partly in a city *or separated town*, or where it lies partly in one or more municipalities of such county and partly in one or more municipalities of another county, with the consent of the municipal council of the other county, or of the city *or town*, as the case may be, agree with the owners or lessees of any such road as to the amount to be paid in order that the tolls on such road may be abolished, and may also agree with such other county or such city *or town*, as the case may be, on the proportions in which the amount shall be contributed by them respectively, and in the event of failure to agree on such amount, the same as well as the proportions of contribution may at the instance of the municipal council of the initiating county be determined by arbitration as herein provided.

Appointment of arbitrators.

(2) In case of any such arbitration the municipal council of the initiating county shall appoint by by-law some member of the council or some officer thereof to act on their behalf in the appointment of an arbitrator on behalf of the municipalities, and a copy of such by law shall be served on the clerk of the other county or city *or town* as the case may be, and such other municipality shall within 21 days thereafter by by-law appoint some member of the council or some officer thereof to act on their behalf in the appointment of such arbitrator, and cause a copy of the by-law to be served on the clerk of the initiating county.

If such two persons within 7 days thereafter agree and appoint an arbitrator by writing signed by them, he shall be the arbitrator on behalf of both municipalities, and in default of their agreement within that time or in default of such other municipality within said 21 days appointing a person to act in their behalf, the judge of the County Court of the initiating county shall appoint an arbitrator to act on behalf of the two municipalities, and the clerk of the initiating county shall notify the owners of the road of the appointment, whether by agreement or by the judge. On the receipt of such notice, the owners of such road may appoint an arbitrator, and in default of their doing so within 21 days of the receipt of such notice the judge of the County Court of the initiating county shall appoint an arbitrator to act in their behalf. The two arbitrators so appointed shall, within 14 days of the appointment of the last person appointed, meet and appoint a third arbitrator, and in default of their doing so from any cause, then the judge of the County Court shall *ex-officio* act as a third arbitrator, ²² unless before the expiration of such fourteen days' notice in writing be given by the municipality or the owner to one or both of the two arbitrators requiring that in default

of their agreeing on a third arbitrator some person other than the judge of the County Court shall be the third arbitrator in which case such appointment shall be made by the president of one of the divisions of the High Court of Justice on the application of either party on 7 days' notice to the other.

(3) The three arbitrators so appointed, or a majority of them, shall determine and award the amount to be paid to the owners and shall determine and award the proportions in which such amount is to be contributed by them respectively.

Award to determine proportions in which municipalities to contribute.

5. In any case falling under sections 3 and 4 the municipality or municipalities and the owners of the road may agree together that the judge of the County Court of the initiating county, or any other person agreed on, may be the sole arbitrator, and the provisions of this Act shall apply in such case, and such sole arbitrator shall, in any case coming under subsection 3 of section 4, determine and award the proportions of contribution

Agreement upon sole arbitrator.

2. Section 9 of the said Act is repealed and the following section substituted therefor:—

1 Edw. VII., c. 33, s. 9, repealed.

9. After the award has become absolute or settled on appeal, or after an agreement has been arrived at between the municipality or municipalities as the case may be, and the owners of any road, as to the amount to be paid in order that tolls on such roads may be abolished, the municipal council of any municipality may, in the manner provided for in *The Municipal Act*, without submitting the same for the assent of the electors, pass a by-law for borrowing the amount required to be paid by such municipality to purchase the said roads, in accordance with the award of the arbitrators or arbitrator or the agreement made as aforesaid, by the issue of debentures of the municipality payable in not more than thirty years. A county council may provide by such by-law for raising any amount required to pay, and may pay to any municipality or municipalities which are not materially or are only slightly benefitted by the purchase of the road or roads, such a sum by way of bonus, as may be deemed a fair or partial equivalent for the amount which any such municipalities will be required to pay towards the said purchase, or any part thereof.

Borrowing amount necessary to free roads.

3. Section 10 of the said Act is amended by inserting the following words after the word "liable" in the sixteenth line:—"Such by-law shall provide for assessing and levying upon all the ratable property in such respective municipalities or portions of municipalities the annual sums necessary to meet the debentures and the interest thereon as the same fall due and if necessary to form a sinking fund for that purpose and may be passed by the county council without submitting the same for the assent of the electors."

1 Edw. VII., c. 33, s. 10, amended.

Provision in by-law for special rates.

1 Edw. VII.,
c. 33, s. 8, sub-
s. 8, amended.

When municipi-
pality must
elect to take
road or abandon
purchase.

4. Subsection 8 of section 8 of the said Act is amended by adding thereto the following :—

In any case falling under section 4 the road shall be taken and the amount agreed on or awarded shall be paid within one year as aforesaid unless both municipalities elect that the road shall not be taken and so notify the owner and in that case the costs to which the owner has been put shall be paid by the municipalities in equal shares.

1 Edw. VII.,
c. 33, s. 14,
amended.

5. Section 14 of the said Act is amended by inserting the words "two next" before the word "preceding" in the second line.

1 Edw. VII.,
c. 33, s. 15,
repealed.

6. Section 15 of the said Act is hereby repealed and the following substituted therefor :—

Removal of
tolls in cities
and towns on
purchase by
county.

15. On the completion of the purchase of the roads by any county and upon the removal of tolls therefrom, all tolls shall be removed from the portions of such roads lying within the limits of any city or town.

Upon the removal by the county of the tolls from any road under this Act, such road so far as it lies within the county shall thenceforward be a county road within the meaning and provisions of *The Municipal Act*.

1 Edw. VII.,
c. 33, amended.

7. *The Toll Roads Expropriation Act, 1901*, is amended in the following respects :—

S. 1, subs. 2,
repealed.

Subsection 1 of section 2 is repealed and the following substituted therefor :

"Owner" or "owners" shall include any person or persons, joint stock company or municipality having any legal, equitable or leasehold estate or interest in a road.

S. 8, subs. 6,
amended.

The words "proprietor or proprietors" in subsection 6 of section 8 are struck out and "owner or owners" substituted therefor.

S. 8, subs. 9,
amended.

The words "preceding section" in subsection 9 of section 8 are struck out and "next preceding subsection" substituted therefor.

No. 171.

5th Session, 9th Legislature
2 Edward VII., 1902.

BILL.

An Act to amend The Toll Roads Expro-
piation Act, 1901.

First Reading, 18th February, 1902.

(Reprinted as amended in the Legal Com-
mittee.)

Mr. DICKENSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act respecting The Representation of the People
in the Legislative Assembly.

I IS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 1 of *The Act respecting the Legislative Assembly* Rev. Stat.
5 is repealed and the following substituted therefor :— c. 12, s. 1
repealed.

(1) The Legislative Assembly shall be composed of sixty Number of
members to represent the electoral districts in the Province of members of
Ontario, the limits of which shall be from time to time pre- Legislative
scribed and determined in the manner hereinafter provided. Assembly.

10 (2) In the year 1903 and in every tenth year thereafter the Redistribution
judges of the Supreme Court of Judicature for Ontario or a by a com-
majority of them shall nominate and appoint from amongst mission.
their number three commissioners for the purpose of dividing
the Province into electoral districts. The said commissioners
15 shall within three months after their appointment make their
report to the Lieutenant-Governor in Council and the same
shall immediately be laid before the Legislative Assembly if it
is then in session and if not then within three weeks after the
commencement of the next session. Upon the adoption of the
20 report by an Act of this Legislature the electoral districts
therein defined shall be the electoral districts of the Province
of Ontario for the purpose of the election of members to serve
in the Legislative Assembly and the said report when adopted
shall come into force and take effect upon the dissolution of
25 the then current Legislative Assembly.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Representation of
the People in the Legislative Assembly.

First Reading, 18th February, 1902.

Mr. JAMIESON.

TORONTO :

PRINTED BY L. K. CAMERON,
King's Most Excellent Majesty.

An Act to amend The Electric Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 43 of *The Electric Railway Act* is amended by striking out subsections 9, 10 and 11 of said section and substituting the following subsections therefor :—

Rev. Stat.,
c. 209, s. 43,
subs. 9, 10, 11,
repealed.

- (9) At the expiration of seven years from the date of the notice referred to in section 87 of this Act on which the railway commenced its operation, the Lieutenant-Governor in Council shall cause an enquiry to be made so as to ascertain the gross receipts from tolls and fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized to be worked, operated and carried on by the company under this or the special Act.

Inquiry into
receipts of
company.

- (10) In every case where such gross receipts shall after deducting "the working expenses" amount to a sum greater than ten per centum of the total amount of stock paid up a reduction in tolls and fares shall be made in such manner as the Lieutenant-Governor in Council shall order, so that the probable net earnings thereafter will not exceed a sum equal to ten per centum per annum on such paid up stock. And the Lieutenant-Governor in Council may from time to time thereafter reduce tolls and fares so that the probable net annual earnings will not exceed a sum equal to ten per centum of such paid up stock.

Reduction of
tolls after
inquiry.

- (11) The company may at any time after any reduction in tolls and rates has been made as aforesaid petition the Lieutenant-Governor in Council to make further enquiry as to the company's gross receipts as aforesaid, and if it shall then appear that the net receipts do not amount to a sum equal to ten per centum per annum upon the paid up stock, the toll and rates may be raised in such manner as the Lieutenant-Governor in Council may order, so that the probable net annual earnings will equal such sum.

Reconsidera-
tion.

2. The said Act is amended by inserting the following as section 107a.

Rev. Stat.,
c. 209,
amended.

Return as to
cost of road.

(1) The company shall on the completion of the railway and before the operation is commenced prepare a return to be made to the Commissioner of Public Works, to be signed by, and attested upon oath of the secretary, or some other chief officer of the company, and of the president, or in this absence, of the vice-president or manager of the company. Such return shall show in detail all sums of money expended in the construction of the said railway, and in the furtherance of the undertaking, and describe the work and services done and performed therefor. 5 10

Affidavits
with return.

(2) The affidavits to accompany such return shall also show that all contracts for the work of construction were only entered into after tenders for such work had been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done, and that such contracts were let to the lowest bidder on such tendering, or that none of the tenders were accepted for reasons to be stated in the affidavit, and setting out the amount of the lowest tender. 15

Return as to
stock and
bonds.

(3) A return shall also be made to be verified by affidavit as aforesaid, showing the amount of the stock and bonds issued by the company, from time to time, and as such issues are made, and all moneys received by the company in respect thereof. 20

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Electric Railway
Act.

First Reading, 19th February, 1902.

MR. PATULLO.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 174.]

BILL.

[1902.

An Act to amend The Agriculture and Arts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c.
43 Schedule B
amended.

5 Schedule B. of *The Agricultural and Art sAct* is amended by striking out the paragraphs therein commencing "Ontario North and "Ontario South" respectively and substituting the following therefor:—

Ontario, North: The Townships of Brock, Scott, Thorah, Mara, Rama, the Town of Uxbridge, and the Villages of Port
10 Perry, Cannington and Beaverton.

Ontario, South: The Townships of Reach, Uxbridge, Scugog, Whitby, East Whitby and Pickering, and the Towns of Whitby and Oshawa.

No. 174.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL:

An Act to amend The Agriculture
and Arts Act.

First Reading, 19th February, 1902.

Mr. HOYLE.

TOBONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting Civil Engineers.

WHEREAS by an Act of Parliament of Canada, passed at Preamble
the session holden in the 50th and 51st years of the
reign of Her Majesty, Queen Victoria, chaptered 124, the Can-
adian Society of Civil Engineers was incorporated, and where-
5 as it is deemed necessary to establish qualifications necessary
to permit persons to act or practise as civil engineers in the
Province of Ontario ;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows :—

1. The following expressions in this Act have the meanings Interpreta-
hereby assigned to them, unless there is something in the text tion.
repugnant to such construction :—

(a) The expression "the Society," means the Canadian "The
15 Society of Civil Engineers. Society."

(b) The expression "the council," means the council of the "The
said society. Council."

(c) The expression "the secretary," means the secretary of "The
the said society. Secretary."

20 (d) The expression "corporate member," means a member or "Corporate
associate member of the said society as defined by its by-laws. member."

(e) The expression "student," means a student of the said "Student."
society.

2. On and after the first day of July next, after the passing Use of title
25 of this Act, no person shall be entitled, within the Province of "civil
Ontario, to use the title of civil engineer, or any abbreviation engineer" by
thereof, or any name, title or description implying that he is a unqualifi-
corporate member of the said society, or to act or practise as d persons
a civil engineer ; prohibited.

30 (a) Unless such person is a corporate member of the society Who may
or becomes such hereafter or under the provisions of this practise.
Act ; or

(b) Unless he is entitled to do so, by some statute of the
Dominion of Canada, of the late Province of Canada, or of the
35 Province of Ontario ; or

(c) Unless he is a member of the Association of Ontario Land Surveyors at the time of the coming into force of this Act and becomes a corporate member of the society. In order to become a corporate member, he shall apply in writing for admission to the society, and present with his application, a certificate signed by the secretary of the Association of Ontario Land Surveyors showing that he is a member in good standing of the said association, and shall with such application forward the prescribed dues for the current year; or 5

(d) Unless he is entitled to do so as the holder of a diploma or of a degree conferred by some institution of learning in the Dominion of Canada entitled so to do; or 10

(e) Unless he is a member in good standing of the Institution of Civil Engineers of Great Britain, of the American Society of Civil Engineers, or of any similar national engineering society, and applies for admission to the society and furnishes satisfactory evidence to the council of his professional qualifications and pays the prescribed fees; or 15

(f) Unless he has been practising as a civil engineer for at least one year at the time of the passing of this Act, and shall have within one year afterwards applied for and received from the council a certificate to the effect that he is qualified to become a corporate member of the society. The applicant must send with his application a fee of ten dollars to the secretary of the society. 25

Who may
become
corporate
members.

3. Any person not being a corporate member of the society, who qualifies to become such under the last preceding subsection, may at any time thereafter become a corporate member of the society, upon application to the council, which application shall be accompanied with the prescribed dues for the year in which such application is made, and until he becomes a corporate member he shall not be subject to dues. 30

By-laws
legalized.

4. All by-laws of the society shall be valid and shall be deemed to apply to the provisions of this Act unless repugnant thereto. 35

Secretary to
keep register
of members.

5. It shall be the duty of the secretary to keep a correct register of all persons who are, or who become, corporate members and students, and of all persons who have qualified to become corporate members, with the address of each, and date of qualification or of admission to membership, such register to be kept in accordance with the by-laws of the society. This register shall be published by the society and a copy mailed to each member by the secretary on or before June 30th of each year. 40

Penalty for
practising
when unqualified.

6. Any person who takes or makes use of any name, title or designation mentioned in section 2 of this Act, or practises as a civil engineer without being entitled thereto by this Act, 45

shall be liable, upon summary conviction, to a fine not exceeding \$25 for the first offence, and not exceeding \$100 for every subsequent offence.

7. Nothing in this Act shall be deemed to encroach upon Act not to affect Ontario Land Surveyors.
 5 the rights and privileges conferred upon Ontario Land Surveyors by any Act of the Legislature of this Province.

8. This Act shall not be deemed to apply to members of the Act not to apply to certain mining engineers.
 Canadian Mining Institute in so far as concerns their operations as mining or metallurgical engineers, or in any way
 10 whatever in the management or operation of mines or metallurgical works.

9. Nothing in this Act shall be deemed to encroach upon Mechanics, etc., not affected.
 the rights and privileges of mechanics, millwrights, and
 machinists, to pursue their avocations as heretofore.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting Civil Engineers.

First Reading, 19th February, 1902.

Mr. GROSS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printed to the King's Most Excellent Majesty.

An Act to remove ambiguities in The Municipal
Drainage Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection (3) of section 3 of *The Municipal Drainage Act* shall be deemed and construed to have always authorized an assessment for “injuring liability” under the circumstances therein set forth notwithstanding that the lands so assessed may not be or have been benefited by the drainage work therein provided for or authorized. Rev. Stat. c. 226, s. 3, subs. 3, meaning of.
- 2 Subsection (4) of section 3, of the said Act shall be deemed and construed to have always authorized an assessment for “outlet liability” under the circumstances therein set forth notwithstanding that the drainage work for which such assessment was or may be made was wholly within one municipality and that the lands so assessed may not be or have been benefited by the drainage work therein provided for or authorized, and such assessment need not be confined to a drainage work continued into a municipality other than the initiating municipality for the purposes of an outlet. Rev. Stat. c. 226, s. 3, subs. 4, meaning of.
3. Section 75 of the said Act shall be deemed and construed to have always applied to a drainage work as defined in subsection 1 of section 3 of the said Act and to all drains wholly artificial or otherwise which have been constructed under the provisions of *The Ontario Drainage Act* and whether such drainage work or drains are or are not in whole or in part, in a proper state of maintenance or repair. Application of Rev. Stat. c. 226, s. 75.
4. The said Act is further amended by adding thereto the following section 110a. Rev. Stat. c. 226 amended.
- 110a. Where by reason of the death or illness of the referee or of his having advised upon or his being concerned in any matters in dispute which might be heard before him under the terms of this Act, it is deemed proper to have the trial or hearing take place before some person other than the referee, any judge of the High Court of Justice may order that such matters in dispute shall be referred to any county court judge in Ontario, who shall upon such reference have When reference may be made to county judge.

all the powers and duties of the referee appointed under this Act in respect of such matters and there shall be the same right of appeal from the decision or report of such county court judge as would exist if the trial or hearing were before the referee.

5

(a) The provisions of this section shall apply to references ordered or proceeded with prior to the passing of this Act.

No. 176.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to remove ambiguities in The Municipal Drainage Act.

First Reading, 20th February, 1902.

Mr. MCKEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Municipal Drainage Act* is amended by adding thereto as subsection (6) thereof the following:—

Rev. Stat.
c. 226, s. 3,
amended.

(6) The assessment for injuring liability or outlet liability provided for in subsections 3, 4 and 5 of this section may be made upon the lands and roads liable therefor notwithstanding such lands and roads may not be assessable for benefit, and such assessment need not be confined to a drainage work continued into a municipality other than the initiating one for the purpose of an outlet.

Assessment
for injuring
liability and
outlet
liability.

2 Section 75 of the said Act is amended by adding thereto as subsection (1) thereof the following:—

Rev. Stat.
c. 226, s. 75,
amended.

(1) The provisions of this section shall apply to a drainage work as defined in subsection (1) of section 3 of this Act and to all drains wholly artificial or otherwise which have been constructed under the provisions of *The Ontario Drainage Act* and whether such drainage work or drain be or be not in whole or in part, in a proper state of maintenance or repair.

Application
of sec. 75.

3. Except upon the consent in writing of parties or their solicitors the provisions of sections 1 and 2 of this Act shall not apply retrospectively and shall not affect any action, appeal or proceeding now pending but the same shall be heard and determined in all respects as if this Act had not been passed.

Sections 1 and
2 not to be
retroactive.


4. The said Act is further amended by adding thereto immediately after section 110 the following as section 110a.

Rev. Stat.
c. 226
amended.

110a. Where by reason of the death or illness of the referee or of his having advised upon or his being concerned in any matters in dispute which might be heard before him under the terms of this Act, it is deemed proper to have the trial or hearing take place before some person other than the referee, any judge of the High Court of Justice may order that such matters in dispute shall be referred to any county court judge in Ontario, who shall upon such reference have

Reference
where drain
age referee
cannot act.

all the powers and duties of the referee appointed under this Act in respect of such matters and there shall be the same right of appeal from the decision or report of such county court judge as would exist if the trial or hearing were before the referee.

(a) The provisions of this section shall apply to references ordered or proceeded with prior to the passing of this Act. 

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 20th February, 1902.

(Reprinted for Legal Committee.)

Mr. MCKEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Ontario Companies Act* is amended by inserting therein as section 48a the following :—

Rev. Stat.
c. 191,
amended.

- 48a. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he do disclose the nature of his interest and refrain from voting he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity.

Directors not
to vote on
contracts in
which they
have a per-
sonal interest,
etc.

2. The said Act is further amended by inserting therein as section 81a the following :—

Rev. Stat.
c. 191,
amended.

- 81a. Every deed which any person lawfully empowered in that behalf by the company as its attorney, signs or has signed on behalf of the company, and seals, or has sealed with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company.

Deeds signed
and sealed
under power
of attorney.

No. 177.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Ontario Companies
Act.

First Reading, 21st February, 1902.

Mr. PARDEE.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. *The Ontario Companies Act* is amended by inserting therein as section 48a the following :—

Rev. Stat.
c. 191,
amended.

48a. No director of any company shall at any directors' meeting vote in respect of any contract or arrangement made or proposed to be entered into with the company in which he is interested either as vendor, purchaser or otherwise, and any director who may be in any way interested in any contract or arrangement proposed to be made with the company shall disclose the nature of his interest at the meeting of the directors at which such contract or arrangement is determined on, if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest, and in case he do disclose the nature of his interest and refrain from voting he shall not be accountable to the company by reason of the fiduciary relationship existing for any profit realized by such contract or arrangement; provided, however, that no director shall be deemed to be in any way interested in any contract or arrangement, nor shall he be disqualified from voting or be held liable to account to the company by reason of his holding shares or being a director in any other company with which a contract or arrangement is made or contemplated; provided, also, that this section shall not apply to any contract by or on behalf of a company to give the directors or any of them security by way of indemnity.

Directors not
to vote on
contracts in
which they
have a per-
sonal interest,
etc.

2. The said Act is further amended by inserting therein as section 81a the following :—

Rev. Stat.
c. 191,
amended.

81a. Every deed which any person lawfully empowered in that behalf by the company as its attorney, signs or has signed on behalf of the company, and seals, or has sealed with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company.

Deeds signed
and sealed
under power
of attorney.

Rev. Stat.,
c. 191, s. 49,
amended.

3. Section 49 of the said Act is amended by adding thereto the following as subsection 2 thereof :—

2. Any and all by-laws passed and sanctioned as provided in this section for any or all of the said purposes shall remain in full force and effect until repealed by by-law passed by the directors of the company and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of such by-law ; and any power of borrowing money or of issuing the bonds, debentures or other securities of the company, or of hypothecating, mortgaging or pledging the property, rights and powers of the company which shall be conferred upon the directors by any by-law passed and sanctioned as provided in this section, shall not be construed as being exhausted by any exercise of such power, but said power may be exercised from time to time by directors of the company, upon any money so borrowed being paid off in whole or in part ; or upon any issue of bonds, debentures or other securities of the company so issued being withdrawn or paid off and duly cancelled in whole or in part ; or upon any mortgage or pledge so given being satisfied and redeemed in whole or in part ; so that, however, at no time shall there be an outstanding indebtedness of the company incurred under any such by-law to an extent greater than the limit fixed by such by-law.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Ontario Companies
Act.

First Reading, 21st February, 1902.

(Reprinted as amended by Legal Committee.)

Mr. PARDEE.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Manhood Suffrage Registration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 5 of *The Act respecting the Reg-* Rev. Stat.
c. 8, s. 5,
subs. 4,
amended.
5 *istration of Manhood Suffrage Voters in Cities and County*
Towns is amended by striking out in the second line thereof
the word "division" and substituting therefor the words
"Electoral District."
- (2) Subsection 4 of section 8 of the said Act is amended by Rev. Stat.
c. 8, s. 8,
subs. 4,
amended.
10 striking out the words "and the clerk of the County Court"
in the third line thereof, and substituting therefor the words
"the Local Master of the High Court; and when there is but
one judge of the County Court of Carleton the clerk of the
County Court of the County of Carleton shall be *ex-officio* a
15 member of the Board."
- (3) Section 22 of the said Act is amended by striking out Rev. Stat.
c. 8, s. 22,
amended.
the word "dissolution" in the fourth line thereof and substi-
tuting therefor the words "date of the writs for holding the
general election"; and by striking out the word "groups" in
20 the ninth line thereof and substituting therefor the words
"Registration Districts."
- (4) Subsection 8 of section 27 of the said Act is amended by Rev. Stat.
c. 8, s. 27,
subs. 8.
striking out in the eleventh line thereof all the words after the
word "shall" and substituting therefor the words "certify at
25 the end of each such book as required by section 38."
- (5) Subsection 2 of section 30 of the said Act is amended Rev. Stat.
c. 8, s. 30,
subs. 2.
by inserting after the words "and the" in the fourth line
thereof the words "Clerk of the Peace shall forthwith furnish
a copy thereof to the" and inserting after the word "officer"
30 in the said fourth line the word "who."
- (6) Section 31 of the said Act is amended by inserting after Rev. Stat.
c. 8, s. 31,
amended.
the words "for the" in the sixth line thereof the words "re-
moval from the registration booth or for the."
- (7) Section 36 of the said Act is amended by inserting after Rev. Stat.
c. 8, s. 36,
amended.
35 the word "day" in the second line of the said section the
words "or at the proper hour."

Rev. Stat.
c. 8, s. 51,
subs. 1,
amended.

(8) Subsection 1 of section 51 of the said Act is amended by striking out all the words after the word "each" in the second line, to and inclusive of the word "registrar" in the fourth line thereof and substituting therefor the words "registrar for each day on which he holds a sitting for the registration of Manhood Suffrage voters."

Rev. Stat.
c. 8, s. 24,
subs. 2,
amended.

2. Subsection 2 of section 24 of the said Act as enacted by section 6 of *The Act to amend The Manhood Suffrage Registration Act*, 61 Victoria, chapter 4, is amended by inserting after the word "Canada" in the third line thereof the words "or by the last assessors' enumeration."

Rev. Stat.
c. 8, s. 22,
amended.

3. Clause *a* of section 22 of *The Manhood Suffrage Registration Act* as amended by section 24 of *The Act to amend The Statute Law*, passed in the 62nd year of the reign of Her late Majesty, chapter 11 is amended by inserting after the word "last" in the second line thereof the words "Census of Canada, or the last."

Rev. Stat. c. 8.
Forms 9 and
10 repealed.

4.—(1) Forms 9 and 10 appended to this Act are severally substituted for Forms 9 and 10 appended to *The Manhood Suffrage Registration Act*.

20

Bribery clause
not to be
inserted in
oath unless
asked for.

(2) Paragraph A appearing in the said Forms shall not be inserted in the oath administered unless an agent for a candidate or political organization present under section 33 desires it to be inserted, or the registrar deems its insertion expedient.

Marking
clause when
used or
omitted.

(3) The registrar shall append his signature above paragraph A where it is omitted from the oath as administered, and under paragraph A where it has been inserted as part of the oath administered.

Law clerk to
consolidate
Act for
distribution.

5. The Law Clerk of the Legislative Assembly is authorized to consolidate this Act with *The Manhood Suffrage Registration Act* and the subsequent Acts above referred to as amended herein, for the purposes mentioned in section 52 of the first mentioned Act.

Rev. Stat.
c. 8, s. 5,
subs. 1,
amended.

6.—(1) Subsection 1 of section 5 of the said Act is amended by adding at the end of the said subsection the words "or upon any dredge or steam shovel."

Rev. Stat.
c. 9, s. 11,
subs. 2,
amended.

(2) Subsection 2 of section 11 of *The Ontario Election Act* is amended by adding to the said subsection the words "or upon any dredge or steam shovel."

SCHEDULE.

FORM 9.

(Section 26.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER APPLYING FOR REGISTRATION IN THE POLLING SUB-DIVISION IN WHICH HE RESIDES.

1. You swear (a) that you name is (b)
and that you are by occupation a (c)
2. That you are a British subject, and are of the full age of 21 years.
3. That you have resided within this Province for the twelve months next preceding the (d) day of 19 (e)
4. That you are now, and were on the said day, and for three months next preceding the same, a resident of, and had your home in, this municipality.
5. That you now reside at (f)
6. That you are not as you believe entered on the revised list of voters for this municipality to be used at this election, as entitled to vote at both municipal elections and elections to the Legislative Assembly, nor have you been entered, or registered, on any list of persons entitled to vote at this election under which entry or registration you can vote in any other municipality in the Province at this election, and you are as you believe entitled to vote thereat. So help you God.

.....
Registrar.

Where an agent for a candidate or political organization present under Section 33 desires this clause to be added or the Registrar deems such addition expedient, add :—

A. That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to promise to vote, or to apply for registration as a voter, or for loss of time, travelling expenses, hire of team, or any other service connected therewith. So help you God.

.....
Registrar.

And in the cases of the cities of Toronto and Hamilton, and of any other municipality which may hereafter be divided into two or more Electoral Districts, and in any municipality the several parts of which are situated in two or more Electoral Districts, add the following clause :—

10. That you are now, and were on the said day and for the thirty days next preceding the same a resident of and had your home within the territory comprising this electoral district.

NOTE.—(a) If the applicant is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm"

(b) Insert here the full name of the applicant.

(c) Insert here the occupation of the applicant, or if the applicant has no occupation, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes allowed by law insert the words following, "except occasionally or temporarily, in the prosecution of your occupation of (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.)"

(f) Insert here the street and number of the house where the applicant resides if it has a street number, and if it has not then insert a brief description that will define its locality.

FORM 10.

(Sections 6 and 26.)

FORM OF OATH TO BE TAKEN BY A MANHOOD SUFFRAGE VOTER ON
APPLYING FOR REGISTRATION UNDER SECTION 6.

1. You swear (a) that your name is (b)
and that you are by occupation a (c)
2. That you are a British subject and are of the full age of 21 years.
3. That you have resided within this Province for the twelve months
next preceding the (d) day of 18 (e)
4. That you are now, and were on the said day, and for the three
months next preceding the same, a resident of, and had your home in,
this municipality.
5. That you now reside at (f)
6. That your name is entered on the revised voters' list for the municipi-
pality to be used at this election, as entitled to vote at both municipal
elections and elections to the Legislative Assembly, but that you are not
now entitled to vote at this election in respect of that qualification.
7. That save as aforesaid you have not been entered or registered on
any list of persons or voters entitled to vote at this election under which
entry or registration you can vote in any other municipality in the
Province at this election and you are as you believe entitled to vote
thereat. So help you God.

.....
Registrar.

*When an agent for a candidate or political organization present, under
section 33, desires this clause to be added, or the Registrar deems such addi-
tion expedient, add :*

- A. That you have not received anything, nor has anything been pro-
mised you either directly nor indirectly, either to induce you to promise
to vote or to apply for registration as a voter, or for loss of time, travel-
ling expenses, hire of team or any other service connected therewith. So
help you God.

.....
Registrar.

*And in the cases of the cities of Toronto and Hamilton and of any other
municipality which may hereafter be divided into two or more electoral
districts and in any municipality the several parts of which are situated in
two or more electoral districts, add the following clause :*

11. That you are now and were on the said day and for the thirty days
next preceding the same a resident of and had your home within the
territory comprising this electoral district.

NOTES.—(a) If the applicant is a person who may by law affirm in civil cases
then for "swear" substitute "solemnly affirm."

(b) Insert here the full name of the applicant

(c) Insert here the occupation of the applicant, or if the applicant has no occupa-
tion, state the fact.

(d) Insert here the date of the FIRST sitting held for the registration of voters.

(e) In case the applicant has been temporarily absent for any of the purposes
allowed by law, insert the words following, "except occasionally or temporarily, in
the prosecution of your occupation (mentioning, as the case may be, as a lumberman
or a mariner or a fisherman or in attendance as a student in an institution of learn-
ing in the Dominion of Canada, naming the institution)."

(f) Insert here the street and number of the house where the applicant resides
if it has a street number and if it has not then insert instead a brief description
that will define its locality.

7th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Manhood Suffrage
Registration Act.

First Reading, 24th February, 1902.

Mr. GIBSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.
1902.

An Act to amend the Joint Stock Companies Winding-up Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 1 of section 23 of *The Joint Stock Companies R*
5 *Winding-up Act* is amended by inserting after the word 2
“ member ” in the first line of the said subsection the words “
“ or any creditor.”

2. The following sections are hereby added to *The Joint* Rev.Stat.
Stock Companies Winding-up Act as sections 57, 58, 59 and 60 c. 222
10 thereof. amended.

57. Where proceedings are taken under the authority of
section 47 to distribute the proceeds of all the assets of the
company amongst the shareholders, and a creditor to whom a
debt which is not due is owing is unwilling to receive payment
15 thereof, or any creditor is an infant or insane and has no guar-
dian or committee empowered to give a legal acquittance for
the debt, or where a creditor is dead and has no executor or
administrator, or the residence of a creditor is unknown, the
company may, in any such case, pay the amount of the debt
20 into the High Court of Justice at Toronto in accordance as
nearly as may be with the rules and practice of the said court
in respect of the payment by trustees of moneys into the said
court, the proceedings being entitled in the matter of this Act
and of the company, and in the case of a debt which is not
25 due and which bears interest shall in addition pay into the
said court such an amount as will with the interest allowed by
the court be sufficient to pay the amount of such debt and in-
terest when the same becomes due, and a sum of \$10 to cover
the expense of the creditor obtaining payment out of court
30 of the said money.

Payment of
amount of
debt into
court in cer-
tain cases.

58. The payment into court as aforesaid of the amount of
any debt, or of any debt with interest, and such sum of \$10,
as aforesaid when the debt is not due, shall be a satisfaction of
the debt for the purposes of section 51 of this Act, and where
35 any sum has been paid into court under the preceding section,
the second paragraph of the statement (Form B or C) filed

Payment into
court to be
a satisfaction
of debt.

under section 50 shall be varied by excepting debts, the amounts of which have been paid into court as aforesaid, but the statement need not specify the said debts.

Payment on
account of
shares
into court.

59. Where a shareholder is an infant or insane and has no guardian or committee empowered to give a legal acquittance for the amount payable to him in respect of his shares, or where a shareholder is dead and has no executor or administrator, or where the address of a shareholder is unknown, the company may in like manner pay into the High Court the amount so payable. 5 10

Debenture
stock to be a
debt.

60. Debenture stock shall be held to be a debt within the meaning of section 57 and shall with accrued interest be payable at any time after three months from the passing of the special resolutions directing the distribution of the proceeds of the assets of the company amongst the shareholders. 15

No. 179.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Joint Stock Companies Winding-up Act.

First Reading, 24th February, 1902.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend the Joint Stock Companies Winding-up Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 1 of section 23 of *The Joint Stock Companies Winding-up Act* is amended by inserting after the word "member" in the first line of the said subsection the words "or any creditor." Rev. Stat. c. 222, s. 23 (1) amended.

2. The following sections are hereby added to *The Joint Stock Companies Winding-up Act* as sections 57, 58, 59 and 60 thereof. Rev. Stat. c. 222 amended.

57. Where proceedings are taken under the authority of section 47 to distribute the proceeds of all the assets of the company amongst the shareholders, and a creditor to whom a debt which is not due is owing is unwilling to receive payment thereof, or any creditor is an infant or insane and has no guardian or committee empowered to give a legal acquittance for the debt, or where a creditor is dead and has no executor or administrator, or the residence of a creditor is unknown, the company may, in any such case, pay the amount of the debt into the High Court of Justice at Toronto in accordance as nearly as may be with the rules and practice of the said court in respect of the payment by trustees of moneys into the said court, the proceedings being entitled in the matter of this Act and of the company, and in the case of a debt which is not due and which bears interest shall in addition pay into the said court such an amount as will with the interest allowed by the court be sufficient to pay the amount of such debt and interest when the same becomes due, and a sum of \$10 to cover the expense of the creditor obtaining payment out of court of the said money. Payment of amount of debt into court in certain cases.

58. The payment into court as aforesaid of the amount of any debt, or of any debt with interest, and such sum of \$10, as aforesaid when the debt is not due, shall be a satisfaction of the debt for the purposes of section 51 of this Act, and where any sum has been paid into court under the preceding section, the second paragraph of the statement (Form B or C) filed Payment into court to be a satisfaction of debt.

under section 50 shall be varied by excepting debts, the amounts of which have been paid into court as aforesaid. ~~and~~ The statement shall by schedule or otherwise specify the said debts and the amount which has been paid into court in respect of each such debt. ~~and~~

Payment on
account of
shares
into court.

59. Where a shareholder is an infant or insane and has no guardian or committee empowered to give a legal acquittance for the amount payable to him in respect of his shares, or where a shareholder is dead and has no executor or administrator, or where the address of a shareholder is unknown, the company may in like manner pay into the High Court the amount so payable.

Debenture
stock to be a
debt.

60. Debenture stock shall be held to be a debt within the meaning of section 57 and shall with accrued interest be payable at any time after three months from the passing of the special resolution directing the distribution of the proceeds of the assets of the company amongst the shareholders.

No. 179.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Joint Stock Companies Winding-up Act.

First Reading, 24th February, 1902.
Second Reading, 28th February, 1902.

(Reprinted as amended in Committee of
Whole.)

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to authorize the Trustees of "The Holy Blossom" to convey certain lands to William M Weekes.

WHEREAS Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler and Mark Cohen, are the trustees for the congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," in whom the lands more particularly described in the deed in Schedule A to this Act, are vested; and whereas it has become unnecessary to retain said lands for the use of such congregation, and it is deemed advantageous to sell the same; and whereas the said trustees have agreed to sell and convey the said lands to William M. Weekes, of the City of Toronto, Contractor, for the sum of \$7,500, upon the terms contained in said deed; and whereas by the terms and provisions contained in the trust deed dated the 7th day of September, 1875, whereby said lands were conveyed to the trustees for the congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," it was provided that the consent of a meeting of the members of the congregation held for such purpose, and called by written notice, signed by at least two trustees, and affixed to the door of the house or usual place of worship of the said congregation, upon two Sabbath days, (that is to say upon two Saturdays,) preceding the day of such meeting, at such an hour, and for such a length of time upon each of such days, that the said notice might be seen by persons coming thereto to worship at the hour of morning prayer, should be obtained before the said lands should be sold; and whereas in compliance with the terms of the said trust deed, due notice setting out the purpose, time and place of such meeting, was forwarded to each individual member of said congregation, and after being signed by three trustees of such congregation, was posted upon the door of the Jewish Synagogue situate on Bond Street, in the said City of Toronto, being the house or usual place of worship of the said congregation, on the 8th and 15th days of February, 1902, and remained posted as aforesaid during the whole of the said 8th and 15th days of February, 1902, such days being Sabbath, (that is to say Saturday) days; and whereas such meeting duly called as aforesaid, was held at such house or usual place of worship on the 16th day of February, 1902, and the agreement between the said trustees

and William M. Weekes, whereby the said trustees agreed to sell the said lands for \$7,500 as aforesaid, was considered, when the same was unanimously approved of, and the sale of the said lands to the said Weekes assented to; and whereas doubts have arisen as to the powers of the said trustees, notwithstanding the provisions of the said trust deed, to effectually sell and convey said lands to the said Weekes, without complying with the provisions contained in *An Act respecting the property of Religious Institutions*, being chapter 307 of the Revised Statutes of Ontario; and whereas it is desired by the said congregation, and the said trustees have by their petition prayed that such doubts should be removed, and that the power to sell and convey such lands to the said Weekes, notwithstanding the provisions of the said Act respecting the property of Religious Institutions, should be conferred upon said trustees; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, hereby enacts as follows:—

20

Trustees
authorized to
convey certain
lands.

1. The said Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler and Mark Cohen, the said trustees, are authorized and empowered to grant and convey the lands and premises more particularly described in the deed set out in Schedule A to this Act, to William M. Weekes of the City of Toronto, contractor, for the price or sum of \$7,500, forthwith, notwithstanding the provisions of *An Act respecting the Property of Religious Institutions*, being chapter 307 of The Revised Statutes of Ontario, and that upon the deed set out in Schedule A being executed by the said trustees, the said William M. Weekes shall hold the said lands freed from all trusts created by the said trust deed, or by any Act or Acts of this Province; and such sale and conveyance to William M. Weekes is hereby ratified and confirmed.

Trusts of pro-
ceeds not
affected.

2. Nothing herein contained shall prejudice or affect the trusts and conditions upon which the trustees of the congregation of "The Holy Blossom" shall receive and hold the purchase money and the proceeds of such sale.

40

SCHEDULE A.

This indenture made (in duplicate) the day of 1902, in pursuance of an Act Respecting Short Forms of Conveyances, between Frank David Benjamin, Abraham Franklin, Edmund Scheuer, Solomon Michael, Henry Michael, William Goldstein, Sigmund Samuel, Leo Frankel, Jacob Singer, Herman Loeser, Henry Fogler

and Mark Cohen, Trustees for the Congregation of Jews worshipping in the City of Toronto, called "The Holy Blossom," all of the City of Toronto, in the County of York, of the First Part, and William M. Weekes, of the said City of Toronto, Contractor, of the Second Part.

Whereas the parties of the First Part are Trustees for the Congregation of Jews worshipping according to the doctrines, rules, forms, and ceremonies known and recognized in the Jewish Religion as Orthodox Minhag, in the City of Toronto, called "The Holy Blossom,"

And whereas the said Trustees have agreed to sell the lands hereinafter mentioned to the party of the Second Part,

And whereas at a meeting held for such purpose called by written notice, signed by at least two Trustees and affixed to the door of the house or usual place of worship of the said congregation upon two Sabbath days (that is to say two Saturdays) preceding the day of such meeting, at such an hour, and for such a length of time upon each of such days that the said notice might be seen by persons coming thereto to worship at the hour of morning prayer, the said agreement was considered and unanimously approved of, and the sale of the lands to the said Weekes assented to,

And whereas by an Act of the Legislative Assembly of the Province of Ontario passed in the second year of the reign of His Majesty Edward the Seventh, intituled *An Act to authorize the Trustees of "The Holy Blossom" to convey certain lands to William M. Weekes*, the sale of the lands hereby conveyed was ratified and confirmed.

Now this indenture witnesseth that in consideration of five thousand dollars of lawful money of Canada, now paid by the said party of the second part to the said parties of the first part (the receipt whereof is hereby by them acknowledged) and the assumption by the party of the second part of a registered mortgage of two thousand five hundred dollars, dated the 27th day of April, 1900, which mortgage falls due the first day of May, 1905, they, the said parties of the first part, do grant unto the said party of the second part his heirs and assigns for ever, all and singular, that certain parcel of land situate in the City of Toronto, in the County of York, and Province of Ontario, containing one sixth of an acre more or less, composed of, and being lot number six on the south side of Richmond Street, east of Yonge Street, described as follows:—Commencing on the south side of Richmond Street at the north east angle of the said lot, then south sixteen degrees east, ninety feet more or less to the centre of the block, then south seventy-four degrees west eighty feet more or less to the limit between lots number six and seven, then north sixteen degrees west ninety feet more or less to Richmond Street, then north seventy-four degrees east eighty feet more or less to the place of beginning, being part of a certain block of six acres of land formerly reserved for the purpose of an hospital, and denominated by the letter C on the plan of the Town of York, to have and to hold unto the said party of the second part, his heirs and assigns, to and for his and their sole and only use forever; subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

And the said parties of the first part covenant with the said party of the second part that they have done no act to encumber the said lands, save as aforesaid.

And the said parties of the first part release to the said party of the second part all their claims upon the said lands.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered }
In presence of }

No. 180.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to authorize the Trustees of "The Holy Blossom" to convey certain lands to William M. Weekes.

First Reading, , 1902.

(Private Bill.)

Mr. FOY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Algoma Tube Works, Limited.

WHEREAS The Algoma Tube Works, Limited, was incor- Preamble.
 porated under the provisions of *The Ontario Companies*
Act, by Letters Patent under the Great Seal bearing date the
 30th day of December, 1901, with the rights, powers and priv-
 5 ileges in the said Letters Patent mentioned; and whereas the
 said company desires to have its incorporation confirmed, and
 to be authorized to engage in mining and other operations in-
 cidental thereto without thereby becoming subject to *The On-*
tario Mining Companies Incorporation Act, and to other Acts
 10 of the Legislature of Ontario, and to have its powers increased
 and added to, and has, by its petition, prayed that an Act may
 be passed for the purposes aforesaid; and whereas it is expedi-
 ent to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent
 15 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The incorporation of The Algoma Tube Works, Limited, Incorporation confirmed.
 on the 30th day of December, 1901, by Letters Patent set out
 in the Schedule to this Act is confirmed and declared to be legal
 20 and valid, and the said company is declared to be a body cor-
 porate and politic, duly incorporated under the provisions of
The Ontario Companies Act, with the rights, powers and
 privileges in the said Letters Patent of incorporation men-
 tioned.

25 2. In addition to all other rights, powers and privileges con- Company to have certain powers under Rev. Stat. c. 197.
 ferred on the said company by said Letters Patent of incor-
 poration and by *The Ontario Companies Act* and amendments
 thereto, the said company shall have the powers mentioned
 and set out in section 4 of *The Ontario Mining Companies*
 30 *Incorporation Act* but save as aforesaid none of the provisions
 of the said *Ontario Mining Companies Incorporation Act*
 shall apply to or effect the said company.

3. The said company has, and has had from the date of in- Power to purchase stock in other companies.
 corporation power to subscribe for, take, hold or purchase the
 35 shares, stock, bonds, and debentures or other securities of any
 company heretofore or hereafter incorporated, having for its
 object, or any of its objects, the promotion of any of the objects

which the said The Algoma Tube Works, Limited, is authorized to carry out, or any object ancillary thereto or connected therewith, and the said The Algoma Tube Works, Limited, may advance money by way of mortgage or otherwise thereon and may sell, assign, transfer, hypothecate or otherwise dispose of such shares, stocks, bonds, debentures or other securities, but nothing in this section contained shall authorize the said company to carry on the general business of a loan corporation within the meaning of *The Loan Corporations Act*, and the said Act shall not apply to the said company.

10

SCHEDULE A.

Letters Patent incorporating The Algoma Tube Works, Limited.

O. Mowat.

CANADA, PROVINCE OF ONTARIO.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, etc. To all to whom these presents shall come, Greeting :—

Whereas the Ontario Companies Act provides that with the exceptions therein mentioned the Lieutenant Governor of Our Province of Ontario in Council may by Letters Patent under the Great Seal create and constitute bodies corporate and politic for any of the purposes or objects to which the Legislative authority of the Legislature of Ontario extends.

And whereas by their Petition in that behalf the persons herein mentioned have prayed for a Charter constituting them a body corporate and politic for the due carrying out of the undertaking hereinafter set forth.

And whereas it has been made to appear to the satisfaction of Our Lieutenant Governor in Council that the said persons have complied with the conditions precedent to the grant of the desired Charter, and that the said undertaking is within the scope of the said Act.

Now therefore know ye that by and with the advice of the Executive Council of Our Province of Ontario, and under the authority of the herebefore in part recited Statute, and of any other power and authority whatsoever in Us vested in this behalf ;

We do by these Our Letters Patent create and constitute the persons hereinafter named, that is to say Edward Varian Douglas and Walter Pearce Douglas, Manufacturers, Frank Spencer Lewis, Railway Manager, and John Sloe Freemann, Attorney at Law, all of the City of Philadelphia in the State of Pennsylvania, One of the United States of America, and Francis Hector Clergue, Manufacturer, and Henry Coulthard Hamilton, Barrister at Law, both of the Town of Sault Ste. Marie, in the District of Algoma and Province of Ontario, and any others who have become subscribers to the Memorandum of Agreement of the company and their successors respectively, a corporation for the purposes and objects following, that is to say to manufacture and deal in metallic tubes and for the said purposes (a) to manufacture all kinds of necessary machinery and apparatus, and to carry on the business of ironmaster, steel maker, steel converter, coke and charcoal manufacturer, smelter, engineer, tin plate maker, brass founder, iron founder, and brickmaker in all their respective branches, (b) To acquire on any terms that may be agreed upon the business, goodwill and property of any individual, co-partnership or other company having objects wholly or in part similar to those of the company

hereby incorporated, and to undertake, assume or pay any of the obligations or liabilities connected therewith, (c) To purchase or otherwise acquire and to use, exercise, develop, and grant patents, licenses, concessions and other rights or franchises, or any interests therein conferring and exclusive non-exclusive, or limited right, use or any secret or any other information as to any invention in relation to the manufacture of metallic tubes, and to machinery or apparatus to be employed in the said manufacture or connected with the business of the company, and in particular to acquire from The Perrins Limited, a corporation duly incorporated under The Companies Act (1862-1898 Imperial), or from its assignees the benefit of certain existing inventions made by one Harry Perrins and others for improvements in the manufacture of metallic tubes, and in machinery and apparatus to be employed in the said manufacture, in respect of which Letters Patent have heretofore been or may hereafter be granted, and (d) To subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company having objects wholly or in part similar to those of the company hereby incorporated, or having for its objects or any of its objects the promotion of any of the objects which the company hereby incorporated is authorized to carry out, or any objects ancillary thereto or connected therewith to subscribe for, take hold or purchase the shares, stock, bonds and debentures or other securities of any company which may wholly or in part derive its rights, privileges or franchises from the company hereby incorporated, and to sell, assign, transfer, hypothecate, or otherwise dispose of such shares, stock, bonds and debentures or other securities, provided however the Directors have first been expressly authorized by by-law passed by them for the purpose, and sanctioned by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at a general meeting of the company duly called for considering the subject of the by-law. The corporate name of the company to be The Algoma Tube Works, Limited. The share capital of the company to be thirty millions of dollars, divided into three hundred thousand shares of one hundred dollars each. The head office of the company to be at the said Town of Sault Sainte Marie, and the provisional directors of the company to be Edward Varian Douglas, Walter Pearce Douglas, Frank Spencer Lewis, John Sloe Freemann, Francis Hector Clergue, and Henry Coulthard Hamilton hereinafore mentioned, and we hereby authorize the company to hold its meetings without the province.

In testimony whereof we have caused these our letters to be made patent and the Great Seal of Our Province of Ontario to be hereunto affixed.

Witness, The Honourable Sir Oliver Mowat Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Member of Our Privy Council for Canada and Lieutenant-Governor of Our Province of Ontario.

At Our Government House in Our City of Toronto in Our Said Province of Ontario, this thirtieth day of December, in the year of our Lord One thousand nine hundred and one.

By Command

J. R. STRATTON,
Provincial Secretary.
J. M. GIBSON,
Attorney General.

Recorded 6th day of January, A. D. 1902, as No. 22.

GEORGE HOBBS,
Provincial Deputy Registrar.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting the Algoma Tube Works,
Limited.

First Reading,	1902.
----------------	-------

(Private Bill.)

Mr. FARWELL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 34 of *The High Schools Act* is amended by ad- 1 Edw. VII.,
5 ding thereto the following subsections :— c. 40, s. 34,
amended.

8. (a) When the trustees of any High School in a town or city adjacent to a county or in a town separated from a county have notified the county clerk that such high school is open to non-resident and to county pupils on the same terms as resident pupils, the county council shall in all cases pay the cost of the maintenance of non-resident and county pupils at such high school or schools, and in adjusting the liability of the county for the pupils in attendance at any high school as aforesaid the county council shall deduct from the amount for which the county is liable such amount as the district in which any high school is situate would have paid towards such grant had such district formed a part of the county, due regard being had to the equalization of the assessment of such high school district or municipality.
- 10
- 15
- 20 8. (b) Any county council may by a two-thirds vote give additional aid to any one or more high schools or collegiate institutes in the county without giving such aid to all the high schools in said county.
- Additional
aid to high
schools by
county.

No. 182.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The High Schools Act.

First Reading, 25th February, 1902.

Mr. GROSS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

No. 183.]

BILL.

[1902.

**An Act to amend The Toll Roads Expropriation Act,
1901.**

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 9 of *The Toll Roads Expropriation Act, 1901*, ^{1 Edw. VII,}
5 is amended by striking out the words "in the manner provided ^{c. 33, s. 9,}
for in *The Municipal Act*" in the third and fourth lines of ^{amended.}
the said section.

No. 183.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Toll Roads Expro-
piation Act, 1901.

First Reading, 25th February, 1902.

Mr. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting The University of Toronto and
University College.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act shall be known and may be cited as *The Uni-* Short title.
5 *versity Amendment Act, 1902.*

2. Subsection 1 of section 6 of *The University Act, 1901*, 1 Edw. VII.
is amended by adding thereto the following clause:— c. 41, s. 6,
amended.

(e) All the rights and privileges belonging to and enjoyed Limitation of
by Crown Lands under any statute limiting the action against
10 time for bringing actions either by the Crown or trustees.
against the Crown shall be deemed to belong to
and be enjoyed by all the lands so vested in the
said trustees from the time they were so vested,
15 and to all lands which may in the future be vested
in the said trustees under or in pursuance of the
provisions of this Act.

3. Clause *d* of subsection 1 of the said section 6 is amended 1 Edw. VII.
by striking out the words "or by any association of under- c. 61, s. 6,
graduates" and inserting instead thereof in the third and subs. 1, cl. d,
20 fourth lines of the said clause the words "or by any duly in- amended.
corporated society of graduates and undergraduates who may
lease any part of the property held in trust for the University Real property
or University College from the trustees under and by virtue o cupied by
of the provisions of this Act as hereinafter set forth." associations of
graduates and
undergradu-
ates.

25 4. Subsection 3*a* of section 9 of the said Act is repealed 1 Edw. VII.
and the following substituted therefor:— c. 41, s. 9,
subs. 3 *a*,
repealed.

(4) They may under the said terms and conditions, and Trustees
under such other terms and conditions as to the trustees seem authorized to
fit, lease any part of the said property as aforesaid to, or may lease property
30 set apart and appropriate for the use of any duly incorporated to societies of
society of graduates and undergraduates, and they may invest graduates.
any portion of the said endowment and permanent funds or
any moneys which shall or may come into their hands as
aforesaid in a loan to any such incorporated society for the
35 purpose of the erection on such land of any buildings of any
such society. Such loan shall not be subject to the provisions

of *the Trustee Investment Act*, but may be made on such other terms and conditions as to the trustees may seem fit.

1 Edw. VII.
c. 41, s. 9,
amended.

5. Subsections (4), (5), (6), (7) of the said section 9, shall be known and numbered as subsections (5), (6), (7), (8), respectively, of the said section.

5

1 Edw. VII.
c. 41, s. 39,
amended.

6. Section 39 of the said Act amended by striking out all the words therein after the word "expedient" in the 21st line and inserting in lieu thereof the words: "The Lieutenant-Governor in Council may appoint one of the Deans of the Faculties a vice-president to act for and perform the duties of president in case of the latter's illness or absence."

Vice-president.

Women's
residence for
Victoria
College

7. It shall be lawful for the regents of Victoria College to build a Women's Residence on block "A" in University Park, in the City of Toronto, according to plan 211 E., the same being an amendment of the said plan D. 178, and to use the said lands or any portion thereof for any other academic purpose they may desire, and that any building regulations restricting or affecting the building lots in University Park shall not apply to the said block "A" except in so far as the building line along the west limit thereof shall be thirty feet east of the west limit thereof and except so far as are set forth in the deed by the trustees of the University of Toronto to the regents of Victoria College of the said block "A."

Plan 20
registered in
case Toronto
confirmed.

8. The plan registered in the registry office for the Eastern Division of the City of Toronto on the 21st day of August, 25 1901, as number 207 E., and being an amendment of Plan D. 178, being a plan of the sub-division of part of University Park shall be and the same is hereby confirmed and validated and it shall be lawful for the building now in course of erection on lot 70 according to the said amended plan to stand and remain at a distance of 10 feet south from the north line of said lot as defined by said amended plan and that said Plan 207 E. be deemed and taken to be to that extent further amended.

Amendment
of A. H.
Campbell
lease.

9. The terms of the indenture of lease made between David 35 Buchan, late Bursar of the University and Colleges of Toronto, of the first part, and Archibald H. Campbell, of the City of Toronto, of the second part, dated the 17th day of May, 1875, whereby lots numbers 50 and 53, according to Plan D. 178 registered in the registry office for the City of Toronto, were 40 leased to the said Archibald H. Campbell, shall be modified by allowing the said Archibald H. Campbell to build another dwelling house, with suitable out-buildings, upon some other portion of the said lands at least 70 feet south of his present residence and at least 30 feet west of the east limit of the said 45 lands and at least 10 feet north of the south limit of the said lands, to cost at least ten thousand dollars (\$10,000), according to plans and specifications to be approved of by the Trustees of

the University of Toronto, and all other terms of the said lease shall be deemed and be taken to be applicable thereto to the same extent and manner as if the said lease had originally contained the liberty to build another house as aforesaid.

- 5 The change effected by registration of Plan 211 E. in the Registry Office for the City of Toronto, whereby the south-east corner of said lot 50 was made rectangular and laid down as Lot "B" upon the said amended plan, is confirmed and validated, and the said Lot "B" shall be vested in the
 10 said Archibald H. Campbell as a portion of his leasehold to the same extent and manner as if the said Indenture of Lease had originally contained the said Lot "B."

Amended
Plan 2118 E.
confirmed.

10. Clause (b) of section 6 of *The University Act, 1901* is
 repealed, but the special case transmitted by His Honor Judge
 15 McDougall to the Lieutenant-Governor in Council, dated the 25th day of February, 1901, "In the matter of an appeal by Hugh Leach from the assessment for a local improvement upon property on the north side of College Street, and the corporation of the City of Toronto," and thereafter referred to
 20 a Judge of the Court of Appeal, shall be deemed and taken from its inception to have been and to be (notwithstanding any objections thereto) a reference under the provisions of section 85 of *The Assessment Act*.

1 Edw. VII.,
c. 41, s. 6,
cl. b, repealed

Rev. Stat.
c. 224.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The University of Toronto and University College.

First Reading, 25th February, 1902.

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The University of Toronto and
University College.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act shall be known and may be cited as *The Uni-* Short title.
versity Amendment Act, 1902.

2. Subsection 1 of section 6 of *The University Act, 1901*, 1 Edw. VII.
is amended by adding thereto the following clauses:— c. 41, s. 6,
amended.

(e) All the rights and privileges belonging to and enjoyed Limitation of
by Crown Lands under any statute limiting the actions against
time for bringing actions either by the Crown or trustees.
against the Crown shall be deemed to belong to
and be enjoyed by all the lands so vested in the
said trustees from the time they were so vested,
and to all lands which may in the future be vested
in the said trustees under or in pursuance of the
provisions of this Act.

(f) No action shall be brought against the trustees on
any account whatsoever without the consent of the
Attorney General of the Province of Ontario.

3. Clause *d* of subsection 1 of the said section 6 is amended 1 Edw. VII.
by adding after the words "or by any association of under- c. 61, s. 6,
graduates" in the third and fourth lines of the said clause subs. 1, cl. *d*,
the words "or by any duly incorporated society of ~~the~~ under- amended.
graduates or of ~~the~~ graduates and undergraduates who may
lease any part of the property held in trust for the University Real property
or University College from the trustees under and by virtue occupied by
of the provisions of this Act as hereinafter set forth." associations of
graduates and
undergradu-
ates.

4. Subsection 3*a* of section 9 of the said Act is repealed 1 Edw. VII.
and the following substituted therefor:— c. 41, s. 9,
subs. 3 *a*,
repealed.

(8) They may under the said terms and conditions, and Trustees
under such other terms and conditions as to the trustees seem authorized to
fit, lease any part of the said property as aforesaid to, or may lease property
set apart and appropriate for the use of any duly incorporated to societies of
society of *undergraduates* or of graduates and undergraduates, graduates.
and they may invest any portion of the said endowment and

permanent funds or any moneys which shall or may come into their hands as aforesaid in a loan to any such incorporated society for the purpose of the erection on such land of any buildings of any such society. Such loan shall not be subject to the provisions of *the Trustee Investment Act*, but may be made on such other terms and conditions as to the trustees may seem fit.

Meaning of
maintenance
in 1 Edw VII.
c. 14 s. 16
subs. 1.

~~47~~ 5. The term "maintenance" where the same occurs in subsection 1 of section 16 of said Act shall mean the expenditure for the ordinary supplies of chemicals and of other materials used by the students in the course of instruction and such other expenses as may be incurred in heating, lighting, cleaning, insurance and ordinary repairs.⁷³

1 Edw. VII.
c. 41, s. 39,
amended.

Vice-presi-
dent.

6. Section 39 of the said Act amended by striking out all the words therein after the word "expedient" in the 21st line and inserting in lieu thereof the words: "The Lieutenant-Governor in Council may appoint one of the Deans of the Faculties a vice-president to act for and perform the duties of president in case of the latter's illness or absence."

Women's
residence for
Victoria
College.

7. It shall be lawful for the regents of Victoria College to build a Women's Residence on block "A" in University Park, in the City of Toronto, according to plan 211 E., the same being an amendment of the said plan D. 178, and to use the said lands or any portion thereof for any other academic purpose for *Victoria College* they may desire, and any building regulations restricting or affecting the building lots in University Park shall not apply to the said block "A" except in so far as the building line along the west limit thereof shall be thirty feet east of the west limit thereof and except so far as are set forth in the deed by the trustees of the University of Toronto to the regents of Victoria College of the said block "A."

1 Edw. VII.,
c. 41, s. 6,
cl. b, repealed.

Rev. Stat.
c. 224.

8. Clause (b) of section 6 of *The University Act, 1901* is repealed, but the special case transmitted by His Honor Judge McDougall to the Lieutenant-Governor in Council, dated the 25th day of February, 1901, "In the matter of an appeal by Hugh Leach from the assessment for a local improvement upon property on the north side of College Street, and the corporation of the City of Toronto," and thereafter referred to a Judge of the Court of Appeal, shall be deemed and taken from its inception to have been and to be (notwithstanding any objections thereto) a reference under the provisions of section 85 of *The Assessment Act*.

1 Edw. VII.
c. 41, s. 26,
subs. 3,
amended.

~~48~~ 9. Subsection 3 of section 26 of the said Act is amended by inserting after the words "engaged in teaching" in the eleventh line in the said subsection the words "in a High School or Collegiate Institute."⁷⁴

10. Section 29 of the said Act is amended by adding thereto the following subsection:—(4) Any candidate after nomination may resign by delivering at the office of the registrar on or before the second Wednesday in September in any year in which an election is held his resignation in writing signed by him and attested by a witness.

1 Edw. VII.,
c. 41, s. 19,
amended.

Resignation
of candidate
after nomina-
tion.

11. Section 31 of the said Act is amended by adding to the end thereof "unless otherwise provided by a statute of the Senate.

1 Edw. VII.,
c. 41, s. 31,
amended.

12. Subsection 1 of section 33 of the said Act shall be amended by adding after the word "proficiency" in the fifth line of the said subsection (1) the words "except in theology."

1 Edw. VII.,
c. 41, s. 33,
sub-s. 1,
amended.

No. 184.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting The University of Toronto and University College.

First Reading, 25th February, 1902.

(Reprinted with suggested amendments.)

MR. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Controverted
Elections Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 9 of *The Ontario Controverted Elections Act* is
5 repealed and the following substituted therefor:—

Rev. Stat
c. 11, s. 19,
repealed.

9. The petition must be presented not later than thirty days
after the day fixed for the nomination, in case the candidates
have been declared elected on that day, and in other cases forty
days after the holding of the poll, unless it questions the return
10 or election upon an allegation of corrupt practices and specifi-
cally alleges a payment of money or other act of bribery by any
member or on his account, with his privity, since the time of
the taking of the votes of such electors in pursuance or in
furtherance of such corrupt practice, in which case the peti-
15 tion may be presented at any time within thirty days after
the date of such payment or act; and in case any petition is
presented at either time and on any ground, the sitting member
whose election and return is petitioned against may, not later
than fifteen days after service of such petition against his
20 election and return, file a petition complaining of any unlaw-
ful and corrupt act by any candidate at the same election who
was not returned or by any agent of such candidate with his
consent or privity. (Dom. Act 54-55 Vic. c. 20, s. 5.)

Petition,
when to be
presented.

No. 185.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Ontario Contro-
verted Elections Act.

First Reading, 26th February, 1902.

Mr. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting the Representation of the People in the Legislative Assembly.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the said Act is amended by striking out the words "ninety-three" in the third line thereof and substituting therefor the words "ninety-seven." Rev. Stat.,
c. 6, s. 1,
amended.

2.—(1) The present Electoral District of West Algoma shall be divided into two electoral districts to be called respectively the Electoral District of Port Arthur and Rainy River and the Electoral District of Fort William and Lake of the Woods, and each electoral district shall be represented in the Legislative Assembly by one member. Electoral Dis-
trict of West
Algoma
divided into.

(2) The Electoral District of Port Arthur and Rainy River shall include the Town of Port Arthur, the Townships of McIntyre, Conmee, Marks, O'Connor, Strange, Lybster, Gillies, Pardee, Crooks, Blake and Scoble, and that part of the territorial district of Thunder Bay lying south of the said townships, and of a straight line drawn from the north west angle of the Township of Conmee to a point where the district boundary line between Thunder Bay and Rainy River districts is intersected by Niven's second base line, thence following the said base line westerly to the north-westerly angle of the Township of Bennett, thence northerly along Niven's fifth meridian line to a point where the same would be intersected by the production easterly in a straight line of the northerly boundary of the Township of McCrossen on the Lake of the Woods, thence along the said produced line westerly to the shore of the Lake of the Woods, thence south-westerly following the shore of the Lake of the Woods to the mouth of Rainy River together with and including all that portion of the territorial districts of Thunder Bay and Rainy River lying south of the hereinbefore described lines, together with the Townships of Ware, Gorham, McGregor, Dorion, McTavish Sibley, Lyon, Nipigon, Booth, Purdom and Ledger, including also that portion of the territorial district of Thunder Bay to the east and north-east and south-east of a line drawn due north from the north-west corner of the Township of Ware to the Albany River, and including also the islands in Lake Superior. Electoral Dis-
trict of Port
Arthur and
Rainy River.

north of the international boundary from Pigeon River easterly to the production southerly of the eastern boundary of the territorial district of Thunder Bay.

Electoral District of Fort William and Lake of the Woods.

(3) The Electoral District of Fort William and Lake of the Woods shall consist of the Town of Fort William and the Indian Reserve to the south thereof, the Town of Rat Portage, the Townships of Neebing, Paipoonge and Oliver and the whole of the Territorial Districts of Thunder Bay and Rainy River not included in the Electoral District of Port Arthur and Rainy River as hereinbefore described. 5 10

Electoral District of East Algoma divided.

3.—(1) The present Electoral District of East Algoma shall be divided into three electoral districts to be called respectively the Electoral District of Sault Ste. Marie, the Electoral District of Manitoulin and the Electoral District of Algoma and each electoral district shall be represented in the Legislative Assembly by one member. 15

Electoral District of Sault Ste. Marie.

(2) The Electoral District of Sault Ste. Marie shall include that portion of the Territorial District of Algoma including the Town of Sault Ste. Marie and bounded on the west by the westerly boundary of the said territorial district and Lake Superior, on the north by and including the townships numbered 67, 66, 63, 62, 61, 60, 59, 58, 50 and the northerly boundary line of 50 produced easterly until it intersects Speight's meridian line produced northerly, on the east by Speight's meridian line and its production northerly and the line of the east boundary of the Townships of Hodgins and Anderson until such line intersects the northern boundary of the Garden River Indian reserve, thence easterly along the north boundary of the said reserve to the north-east angle thereof, thence southerly along the easterly boundary thereof to the north-east angle of the Township of Meredith, thence westerly along the northerly boundaries of the Townships of Meredith and Macdonald to Echo River, thence down Echo River to Lake George, the said electoral district being bounded on the south by Lake George and River St. Mary, together with any islands in the River St. Mary and Lake Superior adjoining the said electoral district. 20 25 30 35

Electoral District of Manitoulin.

(3) The Electoral District of Manitoulin shall consist of the Great Manitoulin Island, Cockburn Island and other islands in Georgian Bay at present forming part of the territorial district of Manitoulin, and that portion of the present Territorial Districts of Manitoulin and Algoma on the mainland east of the east boundaries of the Townships of McKinnon, Hallam, Shakespeare, Dunlop and Bigelow, and south of the north boundaries of the Townships of Vernon, Totten, Trill, Fairbank, Creighton and Snider. 40 45

Electoral District of Algoma.

(4) The Electoral District of Algoma shall include that portion of the Territorial District of Algoma not included in the electoral districts of Sault Ste. Marie and Manitoulin as hereinbefore described, but including St. Joseph's Island. 50

4.—(1) The present electoral district of Nipissing shall be divided into two electoral districts to be called respectively the electoral district of East Nipissing and the electoral district of West Nipissing, and each electoral district shall be represented
5 in the Legislative Assembly by one member.

Electoral District of Nipissing divided.

(2) The Electoral District of West Nipissing shall consist of that portion of the Territorial District of Nipissing bounded on the south by the south boundary of the Territorial District of Nipissing through French River and Lake Nipissing on the
10 east by the easterly boundaries of the Townships of Springer, Field, Bastedo, Thistle and McCallum; on the north by the north boundaries of the Townships of McCallum, Hobbs, Pardo and McNish, then north to the north east corner of the Township of McCarthy, then west along the north bound-
15 aries of the Townships of McCarthy and Mackelcan to the northwest angle of the Township of Mackelcan, then north six miles in a continuation of the boundaries between the Townships of Aylmer and Mackelcan, thence west to the northeast angle of the Township of Creelman, and thence along
20 the north boundary of the Township of Creelman to the west boundary of the District of Nipissing, the said electoral district being bounded on the west by the west boundary line of the Territorial District of Nipissing.

Electoral District of West Nipissing.

(3) The Electoral District of East Nipissing shall consist of
25 that portion of the present Territorial District of Nipissing not included in the said Electoral District of West Nipissing as hereinbefore described, together with the Townships of Clara, Maria and Head which are hereby transferred from the Electoral District of North Renfrew, saving and excepting
30 however the Townships of Airey, Murchison, Dickens, Sabine and Lyell, which are hereby transferred to the Electoral District of North Hastings.

Electoral District of East Nipissing.

No. 186.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend the Act respecting the
Representation of the People in the Leg-
islative Assembly.

First Reading, 26th February, 1902.

Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 187.]

BILL.

[1902.

An Act to amend The Real Property Limitation Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. *The Real Property Limitation Act* is amended by insert- Rev. Stat.
5 ing therein after section 39 the following section :— c. 133,
amended.

39a. No person shall acquire a right of any kind whatso- No prescrip-
ever by prescription by reason of the placing of any pole, tive right to
posts, wire, cable or pipe on, under or over any land or arise by plac-
premises. ing wires, etc.

No. 187.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Real Property Limitation Act.

First Reading, 26th February, 1902.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 188.]

BILL.

[1902.

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly, of the Province of Ontario enacts
as follows :—

1. From and after the first day of September next, the
5 Town of Carleton Place shall be transferred to and included
in the north riding of Lanark for registration purposes, and
items 48 and 49 in Schedule Q of the said Act are amended
by striking out the words "excepting Carleton Place" and
the words "and Carleton Place" where they occur in the
10 said items.
- Town of
Carleton
Place
transferred to
North
Lanark for
registration
purposes.

No. 188.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Registry Act.

First Reading, 27th February, 1902.

MR. CALDWELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Notwithstanding anything in *The Ontario Election Act* Qualification of certain persons resident in reserves.
 - 5 contained, every male person of the full age of 21 years, a subject of His Majesty by birth or naturalization and not otherwise disqualified under the said Act and not otherwise by law prohibited from voting, who is not an Indian but who resides on an Indian reserve and who shall be duly entered on the list
 - 10 of voters to be prepared under this Act shall be entitled to vote at elections of members to serve in the Legislative Assembly of this Province; provided that such person had resided within the Province for the twelve months next preceding the date of the first sittings of the county judge for
 - 15 making up the list to be prepared by him under the provisions of this Act; and provided that such person was in good faith at the date aforesaid resident on an Indian reserve or such portion thereof as is attached under this Act to the polling subdivision on the list of which he is entered and is at the
 - 20 time of tendering his vote a resident of or domiciled on such reserve within the electoral district in which he tenders his vote and has resided on such reserve continuously from the date aforesaid until the time of tendering his vote.
2. The Lieutenant-Governor in Council may by proclamation Annexing reserve to adjacent polling sub-division.
 - 25 tion annex any such Indian reserve, or any part thereof, to some polling subdivision in an adjoining municipality forming part of the electoral district in which such reserve is situate, for the purposes of this Act.
3. The judge of the county court of the county in which Sittings for entering names on list.
 - 30 any Indian reserve is situate shall hold a sitting at a place to be appointed by him on such reserve for the purpose of receiving the applications of persons entitled to be entered on the list to be prepared under this Act.
4. The date of the appointment of the said sittings shall be Time for holding sittings—notice.
 - 35 not later than the fourteenth day before the day appointed for holding the poll at the election, and not earlier than seventeen days before the said day of polling, and it shall be the duty

of the Returning Officer appointed for the electoral district to give notice of such sittings by advertisement in some newspaper published in the county town, of the county in which such Indian reserve is situate, and such notice shall also be posted up at each post office on such reserve and at the Council House and every school house therein. Such notice shall be published and posted up not later than seven days prior to the date fixed by the judge for holding such sittings. 5

Judge to hear applications and swear applicants.

5. At the time and place appointed by the judge he shall hear the applications of all persons applying to be entered as voters and he shall enter on the list to be prepared and signed by him in the form set out in Schedule A to this Act the names of all such persons who shall appear before him and shall take the oath set forth in Schedule A this Act, which oath it shall be the duty of the judge to administer. 10 15

Objections to be heard and decided.

6. Any elector who desires to object to the entry of any name on the said list may be present at the said sitting and state his objections and the judge shall decide any question raised by such elector as to the right of any person to be entered on the list and his decision shall be final. 20

Adjournment of sittings.

7. The judge may adjourn such sittings if he deems it necessary to permit any person entitled to be entered on such list to be present or to produce evidence in support of his application to be entered as a voter thereon or to permit any person opposing such application to produce evidence against the same but such sitting shall be concluded and the said list shall be completed and signed by the judge not later than twelve days prior to the said day for holding the poll. 25

Delivery of list to the clerk of the peace.

8. On the completion of the said list the judge shall enclose the same in an envelope and shall affix his seal thereto and shall deliver the said list or cause the same to be delivered to the Clerk of the Peace for the county in which such Indian reserve is situate. 30

Entering names in poll book.

9. The Clerk of the Peace in making up the poll book for the proper polling subdivision to be used at the election shall add at the end of the list prepared by him in the poll book under *The Ontario Election Act* the following "Supplementary list of persons entitled to vote in this polling subdivision who reside upon the Indian reserve in the Township of _____," and immediately below such heading shall enter the names of the voters appearing upon the judge's list together with the particulars required to be entered in the poll book in other cases, and shall immediately under the last of such names sign his own name as clerk of the peace. 35 40

Persons entered on list—to be entitled to vote.

10. Every person whose name is entered in such supplementary list, if otherwise duly qualified to vote under *The* 45

Ontario Election Act as amended by this Act, shall be entitled to vote at the proper polling place in the polling subdivision for which his name is entered on the poll book.

11. The oath to be administered to a voter claiming to vote
5 under this Act and tendering his vote at the polling place shall be the form set out in Schedule C to this Act. Oath of persons voting under section 1.

12. The fees and disbursements to be paid and allowed to
the county judge, clerk of the peace and returning officer for
services rendered under this Act shall be fixed by the Lieu-
10 tenant-Governor in Council and shall be payable out of such
moneys as may be voted by the Legislative Assembly for that
purpose. Fees of officers.

13. This Act shall not apply or be in force in any territory
of the Province that is without county organization. Act not to apply to unorganized territory.

15 14. This Act shall be read with and as part of *The Ontario Elections Act*. Act incorporated.

SCHEDULE A.

LIST OF VOTERS RESIDING UPON THE INDIAN RESERVE IN THE TOWNSHIP
OF AND COUNTY OF WHO HAVE BEEN DULY
SWORN BY ME AND ARE ENTITLED TO VOTE IN POLLING SUBDIVISION
No. IN THE OF IN THE ELECTORAL
DISTRICT OF

Name in full.	No. of lot or block.	No. of Concession or other description.	Occupation.

I, _____, Judge of the County Court of the
County of _____, do certify that the above is a full and true list of
all persons entitled to vote under the Act 2 Edward VII., Chapter _____, in
polling subdivision No. _____ of the municipality of _____ at the
election of a member to serve in the Legislative Assembly for the Elec-
toral District of _____ Dated _____ day of _____
County Judge

SCHEDULE B.

FORM OF OATH TO BE TAKEN BY A VOTER APPLYING FOR ENTRY ON
THE SUPPLEMENTARY LIST OF PERSONS RESIDING ON AN
INDIAN RESERVE.

1. You swear (a) that your name is (b).
 2. That you are a British subject.
 3. That you are of the full age of 21 years.
 4. That you have resided in this Province for the twelve months next preceding the (d) day of
 5. That you are now and were on the said day and for three months next preceding the same a resident of, and had your home in the Township of being an Indian reserve situate in the county of
 6. That you are not an Indian and do not participate in the annuities, interests and moneys of the tribe, band or body of Indians.
 7. That you are not entered on any voters' list as entitled to vote at this election to the Legislative Assembly.
 8. That you are not otherwise disqualified or prohibited from voting at this election to the Legislative Assembly and are as you believe entitled to vote thereon.
 9. That you have not received anything nor has anything been promised you either directly or indirectly either to induce you to promise to vote or to apply for entry as a voter or for loss of time, travelling expenses, hire of team or any other service connected therewith.
- (a) If the applicant is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."
- (b) Insert here the full name of the applicant.
- (c) Insert here the occupation of the applicant, or if the applicant has no occupation then state the fact.
- (d) Insert here the date of the first sitting held for the entry of voters under this Act.
- (e) In case the applicant has been temporarily absent for any of the purposes allowed by law, insert the words following: "Except occasionally or temporarily, in the prosecution of your occupation (mentioning, as the case may be, as a lumberman or a mariner or a fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.

SCHEDULE C.

FORM OF OATH TO BE ADMINISTERED TO VOTER ON TENDERING HIS
VOTE UNDER THIS ACT.

1. You swear (a) that you are the person named or intended to be named by the name of in the list of voters now shown you in the poll book.
2. That you are a British subject.
3. That you are of the full age of 21 years.
4. That you have resided in this Province for twelve months next preceding the (b) day of.
5. That you are now and were on the said day and for three months next preceding the same a resident of and had your home in the Township of being an Indian reserve situate in the County of and in this Electoral District.

6. That you have resided in this electoral district continuously from the said date (c) and that you are now actually residing and domiciled there.

7. That you are entered to vote at this election and at this polling place.

8. That you have not voted before at this election, either at this or any other polling place.

9. That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

10. And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help you God.

(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) The date to be here inserted as the next day of the sittings of the judge for the entering of names upon The Voters' List prepared under this Act from which the poll book has been made up.

(c) In case the voter has been temporarily absent for any of the purposes allowed by law, insert the words following—"except occasionally or temporarily in the prosecution of your occupation as (mentioning, as the case may be, a lumberman or mariner or fisherman or in attendance as a student in an institution of learning in the Dominion of Canada, naming the institution.

No. 189.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Election Act.

First Reading, 27th February, 1902.

Mr. PRESTON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to incorporate The Lambton Central Electric
Railway Company.

WHEREAS David Milne of the Town of Sarnia in the Preamble.

County of Lambton, merchant, William B. Collins of
the same place, gentleman, Frederick J. Winlow of the same
place, banker, and John H. Smallman of the City of London,
5 Ontario, gentleman, have by their petition prayed for an Act
of incorporation under the name of The Lambton Central
Electric Railway Company, for the purpose of constructing,
equipping and operating a railway with electric power both
for the purpose of said railway and all other purposes begin-
10 ning at some point in or near the Town of Sarnia, in the
County of Lambton, thence in a south-westerly direction
through the Townships of Sarnia, Moore and Enniskillen in
said county to and through the Town of Petrolia in said
county, or to a point adjacent thereby, and through the said
15 Township of Enniskillen to and through the Village of Oil
Springs in said county and south-easterly through the Town-
ships of Dawn and Euphemia in the said county to the Village
of Florence and with power to build and operate a branch line
from a point on the main line through the said Township of
20 Dawn and the Township of Camden in the County of Kent
to and through the Town of Dresden and the County of
Kent and to confer upon the company all the powers of *The
Electric Railway Act*; and whereas it is expedient to grant
the prayer of the said petition;

25 Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said David Milne, William B. Collins, Frederick J. Incorporation.
Winlow and Thomas H. Smallman, and such other persons and
30 corporations as shall hereafter become shareholders of the com-
pany hereby incorporated, are hereby constituted a body cor-
porate and politic under the name of "The Lambton Central
Electric Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to Location of
35 survey, lay out, construct and make, complete, operate, alter line.
and keep in repair iron or steel railways to be operated by
electricity or compressed air or other motive power to be ap-

proved of by the Commissioner of Public Works, except steam, with double or single iron or steel tracks, over and through the route aforesaid. The said railways or any of them, or any part thereof, may be carried along and upon such public highways as may be authorized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said coporations and between the company and the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same, and may also make and enter into any agreement with the Superintendent-General of Indian affairs as to the terms of occupancy of any street or highway in or through the Sarnia Indian reservation.

Capital stock.

3. The capital stock of the company shall be \$200,000 to be divided into 2,000 shares of \$100 each.

Meetings of provisional board.

4. All meetings of the provisional board of directors of the said company shall be held at the Town of Sarnia in the County of Lambton.

Head office.

5. The head office of the said company shall be at the Town of Sarnia in the County of Lambton.

Calls.

6. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call.

Bonding powers.

9. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per centum of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section.

Rights of aliens.

10. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this

province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

11. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

Securing
bonds by
mortgage.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

12. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock, and being section 22 of said Act and the amendments thereto, are hereby incorporated in and made part of this Act.

Issue of
preferential
stock.

Construction
of line by
sections.

Rev. Stat.,
c. 209.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys.

Directors empowered to
pay in stock.

14 The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of a railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the shareholders in person or by proxy representing two thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Special rates
for fruit,
milk, etc.

15. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

16. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same 5 lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collecting
back charges
on goods.

17. The said company shall have power to agree for con-
10 nections and making running arrangements with The Sarnia
Street Railway, Limited, The Erie and Huron Railway
Company, The Grand Trunk Railway Company of Canada,
The Canadian Pacific Railway Company, or any one or more
of said companies, if lawfully empowered to enter into any
15 such agreement, upon terms to be approved by two-thirds in
value of the shareholders, at a special general meeting to be
held for that purpose, and it shall also be lawful for the said
company to enter into an agreement or agreements with the
said companies or any of them, if lawfully authorized to enter
20 into any such agreement, for the sale or leasing or hiring of
any portion of the railway herein authorized or the use
thereof, or for the sale or leasing or hiring any motors, car-
riages or cars or any of them or of any part thereof, or touching
any service to be rendered by one company to the other, and
25 the compensation therefor, if the arrangements and agreements
shall be approved of by two-thirds in value of the shareholders
voting in person or by proxy at a special general meeting to
be called for that purpose and every such agreement shall be
valid and binding according to the terms and tenor thereof,
30 and the company purchasing, leasing or entering into such
agreement for using the said railway, may and are hereby
authorized to work the said railway, in the same manner as if
incorporated with their own line, subject to the provisions of
any by law or by-laws of the said municipalities which may
35 from time to time be in force so far as the same may affect
the company hereby incorporated, or the railway to be built
under the authority of this Act, provided that electric power,
compressed air, or any other motive power approved of by the
Commissioner of Public Works, except steam, only shall be used
40 in operating any portion of the said railways or any section or
branch thereof, and provided also that no such agreement for
connections, running arrangements, sale, leasing or hiring of
the said railway or any portion thereof, shall be entered into
by the said company unless and until the consent of the cor-
45 poration of the municipality or municipalities having jurisdic-
tion in that respect has been first obtained thereto, but this
section shall not be construed as purporting or intending to
confer rights or powers upon any company which is not
within the legislative authority of the Province of Ontario.

Agreements
for connec-
tion, etc.,
with other
companies.

50 18. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other com-

Agreement
with other
companies.

pany or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Exemptions
from municip-
al assessment

19. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the said company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by law shall be repealed unless in conformity with a condition contained therein.

Level
crossings.

20. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Forms of con-
veyance of
lands to com-
pany.

21. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Expenses of
Act.

22. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Time for com-
mencement
and comple-
tion.

23. The undertaking hereby authorized shall be commenced within three years and put in operation within five

years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

24. The several clauses of *The Electric Railway Act* and
 5 of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act,"
 10 when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Incorporation
 Rev. Stat.
 c. 209.

SCHEDULE A.

(Section 21.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Lambton Central Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Lambton Central Electric Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seals (or hands and seals) this day of one thousand nine hundred and

Signed, sealed and delivered in the presence of

(L.S.)

No. 190.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to Incorporate The Lambton Central
Electric Railway Company.

First Reading, 28th February, 1902.

(Private Bill.)

MR. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to incorporate The Lambton Central Electric
Railway Company.

WHEREAS David Milne of the Town of Sarnia, in the Preamble.
County of Lambton, merchant, William B Collins of
the same place, gentleman, Frederick J. Winlow of the same
place, banker, and Thomas H. Smallman of the City of
London, Ontario, gentleman, have by their petition prayed
for an Act of incorporation under the name of The Lambton
Central Electric Railway Company, for the purpose of con-
structing, equipping and operating *an electric* railway, begin-
ning at some point in or near the Town of Sarnia, in the
County of Lambton, thence in a south-easterly direction
through the Townships of Sarnia, Moore and Enniskillen, in
said county to and through the Town of Petrolea in said
county, or to a point adjacent thereby, and through the said
Township of Enniskillen to and through the Village of Oil
Springs in said county and south easterly through the Town-
ships of Dawn and Euphemia in the said county, to the Village
of Florence and with power to build and operate a branch line
from a point on the main line *in* the said Township of Dawn
and *through* the Township of Camden in the County of Kent
to and through the Town of Dresden *in the said County of*
Kent, and to confer upon the company all the powers of *The*
Electric Railway Act; and whereas it is expedient to grant
the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The said David Milne, William B. Collins, Frederick J. Incorporation.
Winlow and Thomas H. Smallman, and such other persons and
corporations as shall hereafter become shareholders of the com-
pany hereby incorporated. are hereby constituted a body cor-
porate and politic under the name of "The Lambton Central
Electric Railway Company" hereinafter called "the company."

2. The company is hereby authorized and empowered to Location of
line.
survey, lay out, construct and make, complete, operate, alter
and keep in repair iron or steel railways to be operated by
electricity or compressed air or other motive power to be ap-
proved of by the Commissioner of Public Works, except steam,

beginning at some point in or near the Town of Sarnia, in the County of Lambton, thence in a south-easterly direction through the townships of Sarnia, Moore and Enniskillen in the said county to and through the Town of Petrolea in said county, or to a point adjacent thereby, and through the said Township of Enniskillen to and through the Village of Oil Springs in said county, and south-easterly through the Townships of Dawn and Euphemia in the said county to the Village of Florence, and with power to build and operate a branch line from a point on the main line in the said Township of Dawn and through the Township of Camden in the County of Kent to and through the Town of Dresden in the said county. The said railways or any of them, or any part thereof, may be carried along and upon such public highways as may be authorized by by-law of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies, if any, interested in such highways and between the company and the Superintendent of Indians, and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act, *The Electric Railway Act*, and in *The Municipal Act*, and any Act or Acts amending the same, and may also make and enter into any agreement with the Superintendent-General of Indian affairs as to the terms of occupancy of any street or highway in or through the Sarnia Indian reservation.

Rev. Stat.
c. 209.
Rev. Stat.
c. 223.

Capital stock. 3. The capital stock of the company shall be \$200,000 to be divided into 2,000 shares of \$100 each.

Provincial
directors.

4. The said David Milne, William B. Collins, Frederick J. Winlow and Thomas H. Smallman with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Meetings of
provisional
board.

5. All meetings of the provisional board of directors of the said company shall be held at the Town of Sarnia, in the County of Lambton.

Number of
directors.

6. The number of the directors shall not be less than five nor more than nine.

Date of
annual meet-
ing.

7. The date of the annual meeting of the shareholders shall be fixed by the by-laws of the company.

8. The capital stock of the said company shall be applied and appropriated towards construction of the said railway in the following manner :— Capital stock appropriated to branches.

1. \$40,000 to the section or branch from Sarnia to Marthaville.

2. \$10,000 to the section or branch from Marthaville to Petrolea.

3. \$30,000 to the section or branch from Petrolea to Oil Springs.

4. \$10,000 to the section or branch from Oil Springs to Oil City.

5. \$30 000 to the section or branch from Oil City to Dawn Centre.

6. \$40,000 to the section or branch from Dawn Centre to Florence.

7. \$40,000 to the section or branch from Florence to Dresden. when and so soon as twenty-five per centum of the authorized capital appropriated to any such section or branch shall be subscribed, and ten per centum of such authorized capital has been paid in cash to the credit of the said company into some chartered bank in Ontario, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of organization, at which meeting the shareholders who have paid at least ten per centum of the amount subscribed for by them shall from the shareholders elect not less than five nor more than nine persons to be directors of the said company.

9. The head office of the said company shall be at the Town of Sarnia, in the County of Lambton. Head office.

10. The directors of the company may from time to time make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall be made at any one time of more than twenty-five per centum of the amount subscribed by each shareholder, or be made at a less interval than one month from the previous call. Calls.

11. The directors of the company shall have power to issue bonds and debentures of the company for the purpose of raising money for prosecuting the undertaking, but the whole amount of the issue of such bonds and debentures shall not exceed \$20,000 for each mile of said railway, and no bonds or debentures shall be issued until ten per centum of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section. Bonding powers.

12. Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the company, and all such shareholders whether resident in this Rights of aliens.

province or elsewhere shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Securing
bonds by
mortgage.

13. The company may secure the bonds, debentures or other securities, hereby authorized to be issued, by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future or both, as are described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway.

(a) By the said deed the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, debentures or other securities, and all other powers, rights and remedies not inconsistent with this Act; or may restrict the said holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be, and all the rights, powers and remedies so provided for in such mortgage deed shall be valid and binding and available to the said holders in manner and form as therein provided.

(b) Every such mortgage deed shall be deposited in the office of the Provincial Secretary, of which deposit notice shall be given by the company in the *Ontario Gazette*.

Rev. Stat.
c. 148.

(c) It shall not be necessary in the exercise of the powers as to mortgaging and in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to or be created by any bond, debenture or other security issued, or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever except at the office of the Provincial Secretary as aforesaid, nor shall it be necessary to comply with the provisions of *The Bills of Sale and Chattel Mortgage Act*, or any Act requiring the registration or renewal of mortgages of chattels, but any mortgage which may be executed by the company under the powers conferred upon it, shall, upon the same being deposited in the office of the Provincial Secretary, have full force and effect and priority according to the time of the deposit, and shall form a lien and encumbrance upon any personal property or chattels therein embraced, to all intents and purposes as therein expressed and set forth, as if the provisions of the said *Bills of Sale and Chattel Mortgage Act*, or any Act requiring registration or renewal of mortgages of chattels, had been fully complied with.

Issue of
preferential
stock.

14. The provisions of *The Ontario Companies Act* relating to the issue of preferential stock, and being section 22 of said Act and the amendments thereto, are hereby incorporated in and made part of this Act.

15. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act*, and to deposit the same as required by the clauses of the said *Electric Railway Act*, and amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction and of the lands intended to be passed over and taken, and the statement of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act* and the amendments thereof with respect to plans and surveys. ^{Rev. Stat., c. 209.} The construction of the railway in sections may be commenced at such point on the line of railway as the directors may determine, but the said work of construction shall be carried on from such point by sections continuing therefrom so as to form at all times one continuous line of railway; provided, however, that the Lieutenant-Governor in Council may sanction and approve of the construction by sections at different points, and not continuously, along the said line of railway. ^{Construction of line by sections.}

16 The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction or equipment of the railway or any part thereof including or excluding the purchase of right of way, and may pay therefor either in whole or in part, either in cash or bonds, or in paid up stock, and may pay or agree to pay in paid up stock or in bonds of the said company such sums as they may deem expedient to engineers or for the right of way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors and furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors, or not provided that no such contract shall be of any force or validity till sanctioned by resolution passed by the votes of the share- ^{Directors empowered to pay in stock.}

holders in person or by proxy representing two-thirds in value of the whole amount paid up of the total capital stock of the company then issued and outstanding at a general meeting of the shareholders specially called for the purpose of considering such matters.

Special rates
for fruit,
milk, etc.

17. The company may make uniform special rates for the carriage of fruits, milk and other perishable freight.

Collecting
back charges
on goods.

18. The company shall have the power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Agreements
for connec-
tion, etc.,
with other
companies.

19. The said company shall have power to agree for connections and making running arrangements with The Sarnia Street Railway, Limited, The Erie and Huron Railway Company, The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, or any one or more of said companies, if lawfully empowered to enter into any such agreement, upon terms to be approved by two-thirds in value of the shareholders, at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement or agreements with the said companies or any of them, if lawfully authorized to enter into any such agreement, for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any motors, carriages or cars or any of them or of any part thereof, or touching any service to be rendered by one company to the other, and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said railway, may and are hereby authorized to work the said railway, in the same manner as if incorporated with their own line, subject to the provisions of any by-law or by-laws of the said municipalities which may from time to time be in force so far as the same may affect the company hereby incorporated, or the railway to be built under the authority of this Act, provided that electric power, compressed air, or any other motive power approved of by the Commissioner of Public Works, except steam, only shall be used in operating any portion of the said railways or any section or branch thereof, and provided also that no such agreement for connections, running arrangements, sale, leasing or hiring of the said railway or any portion thereof, shall be entered into

by the said company unless and until the consent of the corporation of the municipality or municipalities having jurisdiction in that respect has been first obtained thereto, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

20. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies for leasing, hiring or use of any cars, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the cars, rolling stock and movable property of the other or others of them on such terms as to compensation or otherwise as may be agreed upon.

Agreement
with other
companies.

21. It shall be lawful for the corporation of any municipality through any part of which the undertaking of the said company passes or in which it is situate by by-law especially passed for that purpose to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, but not including assessment or taxation for school purposes, or to agree to a certain sum per annum or otherwise in gross by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years, and no such by law shall be repealed unless in conformity with a condition contained therein.

Exemptions
from municip-
al assessment

22. Notwithstanding any provision to the contrary in any other Act, the company's railway may cross the railway of any other company upon a level therewith with the consent of such other company or with the authority of the Railway Committee of the Privy Council of Canada.

Level
crossings.

23. Conveyances of lands to the company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicates thereof.

Forms of con-
veyance of
lands to com-
pany.

Expenses of
Act.

24. The directors are hereby authorized to pay out of the moneys of the company all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized.

Time for com-
mencement
and comple-
tion.

25. The undertaking hereby authorized shall be commenced within three years and put in operation within five years after the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the railway as then remains incomplete.

Incorporation
Rev. Stat.
c. 209.

26. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far only as they may be inconsistent with the express enactments hereof; and the expression, "this Act," when used herein shall be understood to include the clauses of *The Electric Railway Act*, and of every Act in amendment thereof so incorporated with this Act.

Limitation of
transmission
of electric
energy.

27. Notwithstanding anything contained in this Act or in any Statute of the Province, no municipality shall have the power to grant to said railway any exclusive rights, privileges or franchise as to the transmission of electrical energy for power, light and heat over or across any public highway or street in said municipality.

Agreements
with other
companies
to be subject
to regulations.

28. The authority and power conferred on the company by this Act to enter into agreements with any other railway company for connections, running arrangements, sale, lease, or hiring of the said railway shall be subject to such terms, conditions and regulations as may be provided and enacted by any general or special Act or Acts which may at the time such agreement is entered into be in force, and to such terms, conditions and regulations, general or special, as the Lieutenant-Governor in Council or any Special Committee of the Executive Council of Ontario appointed for that purpose may from time to time order.

SCHEDULE A.

(Section 23.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the Lambton Central Electric Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Lambton Central Electric Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we), the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of one thousand nine hundred and

Signed, sealed and delivered in the presence of

(L.S.)

No. 190.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to Incorporate The Lambton Central
Electric Railway Company.

First Reading, 28th February, 1902.

(Reprinted as amended by Railway Com-
mittee.)

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 191.]

BILL

[1902.

An Act to amend The Act respecting the Improvement of Public Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 9, of Chapter 32, of the Acts passed in the 1st 1 Edw. VII
5 year of His Majesty's reign, intituled. "*An Act for the Im-* c. 32 s. 9,
provement of Public Highways" is amended by striking out amended.
the word "twenty" in the third line thereof, and substituting
the word "thirty," and by adding thereto the following sub-
section.

10 (1) Such debentures may be issued by the Municipal Council Issuing
of any township or county without submitting the same for debentures
the assent of the electors of the municipality. for road im-
provement.

5th Session. 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Act respecting the
improvement of Public Highways.

First Reading, 28th February, 1902.
Second Reading, 28th February, 1902.

Mr. ROSS.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Factories Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 15 of *The Ontario Factories Act* is amended by
5 adding the following clause as subsection 6 of the said section,
namely : Rev. Stat. c
256 s. 15
amended.

(6) Every inspector shall duly inspect every factory or other
place coming within the provisions of the said Act, situate
within the district or territory to which such inspector may
10 be assigned at least twice in each year, and shall immediately
after such inspection make a report in writing of such inspection
to the Minister of Agriculture which report shall show
and state the name of the owner or proprietor, of the factory
inspected, in what city, town or village same is situate, the
15 class of goods wares or merchandize produced at such factory,
the number of male and female employees employed at each
factory at the time of inspection, and such written report shall
also show and specify in what respects, if any, any of the provisions
or requirements of *The Factories Act* are not observed
20 or are being violated at the time of such inspection and where-
in the owner or proprietor of any such factory has failed or
omitted to observe and comply with the provisions or requirements
of the said Act. Duties of
inspector.

No. 192.

5th Session, 9th Legislature.
2 Edward VII., 1902.

BILL.

An Act to amend The Ontario Factories
Act.

First Reading, 28th February, 1902.

Mr CARSCALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act relating to Prison-made Goods, Wares and Merchandise.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All goods, wares and merchandise made by convict labour
5 in any penitentiary, prison, reformatory or other establishment
under the control of the Legislature of the Province of Ontario
in which convict labor is employed shall be branded, labeled or
marked, "convict-made," as herein provided, viz., the brand,
label or mark used for such purpose shall contain at the head
10 or top thereof the words, "convict-made," followed by the year
when, and the name of the penitentiary, prison, reformatory
or other establishment in which the article branded, labeled
or marked was made.
2. Such brands, labels and marks shall be printed in plain
15 English lettering of the style and size known as great primer
Roman condensed capitals. A brand or mark shall be used in
all cases where the nature of the article will permit and only
where such branding or marking is impossible shall a label be
used. Such label shall be of the form of a paper tag and shall
20 be attached by wire to each article where the nature of the
article will permit and shall be placed securely upon the box,
crate or other covering in which such goods, wares or mer-
chandise are packed, shipped or exposed for sale. Such brand,
mark or label shall be placed upon the most conspicuous part
25 of the finished article and its box, crate or covering, and no
"convict-made" goods, wares or merchandise shall be sold or
exposed for sale without such brand, mark or label.
3. A person having in his or her possession for the purposes
of sale or offering for sale any "convict-made" goods, wares or
30 merchandise made in any such prison, penitentiary or reform-
atory or other establishment in which convict labor is employed
without the brand, mark or label above provided for, or who
removes or defaces such brand, mark or label, shall upon con-
viction be punishable by a fine not exceeding fifty dollars, nor
35 less than twenty dollars for each offence in respect of each
such article so in his possession for sale or offered for sale.

Goods made
in prisons to
be marked.

Mode of
marking
goods.

Removing
or defacing
marks.

Duty of prison
officials.

4. It shall be the duty of the warden or superintendent for the time being of the Central Prison or any other prison, penitentiary, reformatory or other establishment in which convict labour is employed to have all such goods, wares and merchandise made by convict labor in any of the prisons aforesaid, and the boxes or covering containing the same branded, labeled or marked as hereinbefore provided before the same shall leave any of such prisons or be offered for sale. 5

No. 193.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act relating to Prison-made Goods,
Wares and Merchandise.

First Reading, 28th February, 1902.

Mr. CARSCALLEN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Factories Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Clause (b) of subsection 2 of section 21 of *The Ontario* Rev. Stat.
c. 256, s. 21,
sub-s. 2, cla. b
repealed.
5 *Factories Act* as amended by section 3 of chapter 35 of the
Acts passed in the first year of His Majesty's reign is repealed
and the following substituted therefor :—

(b) "A sufficient number of iron or other unflammable fire Fire escapes.
escapes on the outside of the building, such fire escapes to con-
10 sist of stairways with railing or (in case the special approval
of the inspector is given in writing then of) iron ladders and
every such stairway or ladder shall be connected with the
interior of the building by iron or tinned doors or windows
with iron shutters, and to have suitable landings at every
15 storey, including the attic if the attic is occupied as a work-
room, and the said stairways to start at a distance of not more
than eight feet from the ground or pavement; or to be "

2. Paragraph number 2 of section 2 of *The Ontario Factories* Rev. Stat.
c. 256, s. 2,
par. 2
repealed.
Act is repealed and the following substituted therefor :—

20 2. "Inspector shall mean any one of the inspectors appointed
by order of the Lieutenant-Governor in Council under the
authority and for enforcing the provisions of this Act." Inspector.

3.—(1) Paragraph number 3 of section 28 of the said Act is Rev. Stat.
c. 256, s. 28,
par. 3
repealed.
repealed.

25 (2) Paragraph number 2 in the said section 28 is amended by
striking out the word "Inspector" in the first line of the said
paragraph and inserting in lieu thereof the word "Inspectors." Rev. Stat.
c. 256, s. 28,
par. 2
repealed.

No. 194.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.
An Act to amend The Ontario Factories
Act.

First Reading, 28th February, 1902.

Mr. DRYDEN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to provide for the Removal of Obstructions
in Rivers and Streams in certain cases.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. In this Act, unless the context otherwise requires, the
5 expression "work" means and includes any rocks, stones, ^{meaning of.}
gravel, slab or timber jam, dam, or part of any dam, rubbish
of any kind, or other obstruction.
2. Nothing herein contained shall apply to any land, or to ^{Act not to}
any obstruction on any land, belonging to Canada, or to any ^{apply to lands}
10 work (or materials) ordered or approved by the Lieutenant- ^{of Canada.}
Governor in Council, or in any case wherein municipal authority
exists to remove any such obstruction.
3. Upon compensation to be made as hereinafter provided, ^{Removal of}
the Commissioner of Public Works may authorize any engineer, ^{works in}
15 agent, servant or workman employed by or under him, to enter ^{streams by}
into and upon any land, and remove any work in any rivers, ^{order of}
creeks, streams, waters and water courses, to whomsoever ^{Commission-}
belonging (other than belonging to Canada); the removal of ^{er.}
which in the judgment of the Commissioner is necessary or
20 expedient in the public interests.
- 4 The Commissioner may for such purposes contract with ^{Compensation}
all persons under the provisions of chapter 37, of the ^{for removal.}
Revised Statutes of Ontario, 1897, respecting the Public
Works of Ontario for the payment of the compensation agreed
25 upon, or in case of no agreement the commissioner may refer
the determination thereof to the Board of Official Arbitrators,
and the sum awarded or agreed upon shall be made as by
the said Act provided.
5. In such case, and before referring the determination of ^{Notice to}
30 the amount of compensation, the Commissioner shall cause a ^{person inter-}
notice to be served upon any party interested, which shall con- ^{ested ;}
tain a description of the powers intended to be exercised with ^{contents of.}
regard to the work intended to be removed and the use of
lands and the period of occupation required to affect such
35 removal, and a declaration of readiness to pay some certain

sum or rent, as the case may be, as compensation for the use and occupation of such lands, or for any damage caused by the removal of such work including the period of time when the Commissioner will refer the subject matter of the said notice for determination by the Board of Official Arbitrators. 5

No 195.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to provide for the Removal of Obstructions in Rivers and Streams in certain cases.

First Reading, 28th February, 1902.

Mr. LATCHFORD.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to confirm By-law No. 185 of the Village of Point Edward.

WHEREAS the Municipal Corporation of the Village of Point Edward has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the seventh day of October, 1901, entitled "By-law No. 185 for granting authority to the Sarnia Gas and Electric Light Company, Limited, to lay down pipes and put up poles, and to string wires thereon for the conveyance of electricity under, through and upon the streets, squares and other public places of the Village of Point Edward in the County of Lambton, and for other purposes therein mentioned," a copy of which by-law is set forth in the schedule to this Act; and whereas the said corporation has represented that it is necessary and expedient and of advantage to the said municipality that said By-law No. 185 should be ratified and declared legal, valid and binding upon the said municipality; and whereas notice of the application to have said by-law legalized and confirmed has been sent to the ratepayers of the said Village of Point Edward, and there is no opposition thereto;

Preamble.

- Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 185 of the Municipal Corporation of the Village of Point Edward set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of said By-law No. 185.

By-law 185 of Point Edward confirmed.

SCHEDULE A.

BY-LAW No. 185.

Passed the 7th day of October, A.D. 1901.

A By-law for granting authority to the Sarnia Gas and Electric Light Company, (Limited), to lay down pipes and put up poles and to string

wires thereon for the conveyance of gas and electricity under through, over and upon the streets, squares and other public places of the Village of Point Edward, in the County of Lambton, and for other purposes therein mentioned.

Whereas the Sarnia Gas and Electric Light Company, Limited, are an incorporated company carrying on business at the Town of Sarnia, in the County of Lambton;

And whereas the powers of gas and electric light companies are subject to consent of the municipal corporation of the municipality within which the powers thereby given are to be exercised;

And whereas, by a resolution bearing date the tenth day of September, A.D. 1901, the Municipal Council of the Village of Point Edward resolved to grant a charter to the said the Sarnia Gas and Electric Light Company, Limited, for a period of twenty-five years, with exemption from taxation of all kinds, save and except a school rate on a fixed assessment of \$1,500.00.

And whereas it is expedient to pass a By-law authorizing the Sarnia Gas and Electric Light Company (Limited) to lay pipes and erect poles and string wires thereupon for the conveyance of gas and electricity under, through, over and upon the streets, highways and public places of the Village of Point Edward;

Be it therefore enacted and it is hereby enacted by the Municipal Corporation of the Village of Point Edward:—

1. That the Sarnia Gas and Electric Light Company (Limited) shall have full power and exclusive right and authority as a gas and electric light company for twenty-five years from the final passing of this By-law to lay down the necessary pipes and to put up all necessary poles and to string wires thereon for the conveyance of gas and electricity for light, heat and power under, through, over and upon the streets, squares and other public places of the said Village of Point Edward, and for such purposes to do such work as may be necessary on, in and under the streets, squares and other public places of the said village, and shall have full power to take up, alter and repair the said pipes, poles and wires when and so often as the said Company shall deem it necessary so to do, and in all cases doing no unnecessary damage to the premises while the works are in operation. Provided always that the said Company while laying down the said pipes as aforesaid shall place guards or fences with lamps to be lighted at night for the prevention of accidents to passengers, and shall finish the works and put the said streets, squares and public places as nearly as possible in as good a condition as they were before the commencement of the work without any unnecessary delay.

2. That the said the Sarnia Gas and Electric Light Company (Limited) shall during the progress of the said work or while mending or repairing the pipes indemnify the said corporation against any claim or claims for damages for or on account of any accidents that may happen through the negligence or carelessness of the said Company.

3. That the said Company shall supply the said corporation with such quantity of gas and electric light as they may require for the lighting of the streets and public buildings of the Village of Point Edward and to the inhabitants thereof at such rate as shall be charged from time to time by the Company to the shareholders thereof being consumers, or the Corporation of the Town of Sarnia.

4. That the property of the said company shall be exempt from taxation for a period of twenty-five years from the commencement of the operations of the works save and except a school taxation which is hereby based upon an assessment of \$1,500.00 for the period of twenty-five years as aforesaid.

5. That the said corporation do hereby consent that the said company may, and the said company is hereby authorized and empowered, to exer-

cise and enjoy all the rights, powers and privileges conferred thereupon by chapter 199 R. S. O., 1897, in accordance with the various provisions thereof, subject to the conditions in the said Act contained and subject also to the conditions, restrictions, duties and liabilities imposed by this by-law.

6. The said company are hereby granted the exclusive right for the said term of twenty-five years to exercise and enjoy all the rights, powers and privileges in the last clause hereof mentioned.

7. The said company shall have the privilege at all times of putting up or erecting upon the streets and highways of the said corporation all necessary poles and to string thereon all necessary wires for the purposes of the undertakings of the company, and where in case of fire the person or persons in charge of the fire brigade or the portion thereof engaged in such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstructs the operations of the firemen or to direct that they shall be cut or pulled down; and should any person or persons, firm or corporation at any time desire that any of the said wires be taken down for the purpose of moving buildings upon the streets the said person or persons, firm or corporation so requiring said wires to be removed shall notify the manager of the said company and he shall then, upon being paid the cost of moving and replacing the same, remove said wires.

8. Should the company at any time cease regularly to use for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the said corporation may give written notice to the company directing the said company to remove the said poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair and to the satisfaction of the council of said corporation, then the said corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.

J. A. O'NEIL,
Clerk.

W. O. PARSONS,
Reeve.

[Seal.]

No. 196.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to confirm By-law No. 185 of the
Village of Point Edward.

First Reading, _____, 1902.

Mr. _____

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act to confirm By-law No. 185 of the Village of
Point Edward.

WHEREAS the Municipal Corporation of the Village of Point Edward has petitioned praying that an Act may be passed to confirm and legalize a by-law of the said corporation passed on the seventh day of October, 1901, entitled "By-law No. 185; a *by-law* for granting authority to The Sarnia Gas and Electric Light Company, Limited, to lay down pipes and put up poles, and to string wires thereon for the conveyance of electricity under, through and upon the streets, squares and other public places of the Village of Point Edward in the County of Lambton, and for other purposes therein mentioned," a copy of which by-law is set forth in the schedule to this Act; and whereas the said corporation has represented that it is necessary and expedient and of advantage to the said municipality that said By-law No. 185 should be ratified and declared legal, valid and binding upon the said municipality; and whereas notice of the application to have the said by-law legalized and confirmed has been given to all ratepayers of the said Village of Point Edward, and there is no opposition thereto; ^{and} and whereas there is no opposition to the said petition; and whereas it is expedient to grant the prayer of the said petition; ^{the}

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law No. 185 of the Municipal Corporation of the Village of Point Edward set forth in Schedule A to this Act is hereby confirmed and declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the said municipality to pass the said by-law, *and* notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is hereby authorized and empowered to do all necessary acts for the full and proper carrying out of the said By-law No. 185.

By-law 185 of
Point Edward
confirmed.

SCHEDULE A.

BY-LAW No. 185.

Passed the 7th day of October, A.D. 1901.

A By-law for granting authority to the Sarnia Gas and Electric Light Company, (Limited), to lay down pipes and put up poles and to string wires thereon for the conveyance of gas and electricity under, through, over and upon the streets, squares and other public places of the Village of Point Edward, in the County of Lambton, and for other purposes therein mentioned.

Whereas the Sarnia Gas and Electric Light Company, Limited, are an incorporated company carrying on business at the Town of Sarnia, in the County of Lambton;

And whereas the powers of gas and electric light companies are subject to consent of the municipal corporation of the municipality within which the powers thereby given are to be exercised;

And whereas, by a resolution bearing date the tenth day of September, A.D. 1901, the Municipal Council of the Village of Point Edward resolved to grant a charter to the said the Sarnia Gas and Electric Light Company, Limited, for a period of twenty-five years, with exemption from taxation of all kinds, save and except a school rate on a fixed assessment of \$1,500.00.

And whereas it is expedient to pass a By-law authorizing the Sarnia Gas and Electric Light Company (Limited) to lay pipes and erect poles and string wires thereupon for the conveyance of gas and electricity under, through, over and upon the streets, highways and public places of the Village of Point Edward;

Be it therefore enacted and it is hereby enacted by the Municipal Corporation of the Village of Point Edward:—

1. That the Sarnia Gas and Electric Light Company (Limited) shall have full power and exclusive right and authority as a gas and electric light company for twenty-five years from the final passing of this By-law to lay down the necessary pipes and to put up all necessary poles and to string wires thereon for the conveyance of gas and electricity for light, heat and power under, through, over and upon the streets, squares and other public places of the said Village of Point Edward, and for such purposes to do such work as may be necessary on, in and under the streets, squares and other public places of the said village, and shall have full power to take up, alter and repair the said pipes, poles and wires when and so often as the said Company shall deem it necessary so to do, and in all cases doing no unnecessary damage to the premises while the works are in operation. Provided always that the said Company while laying down the said pipes as aforesaid shall place guards or fences with lamps to be lighted at night for the prevention of accidents to passengers, and shall finish the works and put the said streets, squares and public places as nearly as possible in as good a condition as they were before the commencement of the work without any unnecessary delay.

2. That the said the Sarnia Gas and Electric Light Company (Limited) shall during the progress of the said work or while mending or repairing the pipes indemnify the said corporation against any claim or claims for damages for or on account of any accidents that may happen through the negligence or carelessness of the said Company.

3. That the said Company shall supply the said corporation with such quantity of gas and electric light as they may require for the lighting of the streets and public buildings of the Village of Point Edward and to the inhabitants thereof at such rate as shall be charged from time to time by the Company to the shareholders thereof being consumers, or the Corporation of the Town of Sarnia.

4. That the property of the said company shall be exempt from taxation for a period of twenty-five years from the commencement of the operations of the works save and except a school taxation which is hereby based upon an assessment of \$1,500.00 for the period of twenty-five years as aforesaid.

5. That the said corporation do hereby consent that the said company may, and the said company is hereby authorized and empowered, to exercise and enjoy all the rights, powers and privileges conferred thereupon by chapter 199 R. S. O., 1897, in accordance with the various provisions thereof, subject to the conditions in the said Act contained and subject also to the conditions, restrictions, duties and liabilities imposed by this by-law.

6. The said company are hereby granted the exclusive right for the said term of twenty-five years to exercise and enjoy all the rights, powers and privileges in the last clause hereof mentioned.

7. The said company shall have the privilege at all times of putting up or erecting upon the streets and highways of the said corporation all necessary poles and to string thereon all necessary wires for the purposes of the undertakings of the company, and where in case of fire the person or persons in charge of the fire brigade or the portion thereof engaged in such fire shall deem it necessary he shall have the right to cut or pull down any wires of the company which in his judgment obstructs the operations of the firemen or to direct that they shall be cut or pulled down; and should any person or persons, firm or corporation at any time desire that any of the said wires be taken down for the purpose of moving buildings upon the streets the said person or persons, firm or corporation so requiring said wires to be removed shall notify the manager of the said company and he shall then, upon being paid the cost of moving and replacing the same, remove said wires.

8. Should the company at any time cease regularly to use for a period of six months the poles and wires and overhead appliances and construction which shall be placed by the company in the streets the said corporation may give written notice to the company directing the said company to remove the said poles and overhead appliances and construction, and if the company shall not within one month after the service of such notice at their own expense remove such poles, wires and overhead appliances and construction and put the streets in proper repair and to the satisfaction of the council of said corporation, then the said corporation may do so and charge the expenses thereof to the company who shall pay the same to the corporation on demand.

J. A. O'NEIL,
Clerk.

W. O. PARSONS,
Reeve.

[Seal.]

No. 196.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to confirm By-law No. 185 of the
Village of Point Edward.

First Reading, 4th March, 1902.

Reprinted as amended by Private Bills
Committee.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 197.]

BILL.

[1902.

An Act to amend The Ontario Game Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 8 of *The Ontario Game Protec-* 63 Vic. c. 49,
tion Act is amended by striking out all the words therein s. 8 subs. 4,
after the word "same" at the end of the third line of the said amended.
subsection.
2. Subsection 6 of section 8 of *The Ontario Game Protec-* 63 Vic. c. 49,
tion Act is amended by striking out the words "during the s. 8, subs. 6,
close season for deer" in the fourth line thereof, and by strik- amended.
ing out the words "during close season" in the seventh line
thereof.

No. 197.

5th Session, 9th Legislature,
2 Edward VII. 1902.

BILL.

An Act to amend The Ontario Game Protection Act.

First Reading, 4th March, 1902.

Mr. ALLEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Electric Railways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the expression "Railway Committee" means the Railway Committee of the Executive Council of Ontario. "Railway Committee" meaning of.]

2. The Railway Committee shall consist of the Commissioner of Public Works, who shall be chairman thereof, and two other members of the Executive Council of Ontario who may be from time to time appointed by the Lieutenant-Governor in Council. Railway Committee, how composed.

(2) Two members of the Railway Committee shall form a quorum.

(3) Some fit and proper person may be appointed by the Committee to be the Secretary of the Railway Committee. Secretary.

3. The Railway Committee shall have jurisdiction over railways, electric railways and street railways, subject to the legislative jurisdiction of this Province, and may exercise the jurisdiction and powers conferred upon the Lieutenant-Governor in Council and the Commissioner of Public Works, or either of them, by *The Railway Act of Ontario*, *The Street Railway Act* and *The Electric Railway Act*, or any special Act respecting any railway, street railway or electric railway. Jurisdiction of committee.

4. Every electric railway and street railway company subject to the legislative authority of this Province shall have the right to join, unite and connect its line of railway at any point or points thereon with the line of any other electric railway company, or street railway company, and each company may grant running or other rights over its lines to the other, or allow the interchange of traffic or cars, or make operating arrangements, or confer other privileges of user of its property, upon such terms and conditions as may be agreed upon between the respective companies, provided that no such agreement shall have any force or effect until the same shall have been approved by two-thirds in value of the shareholders of each company present at a special general meeting to be held for that purpose. Electric and street railways running over lines of other companies under agreement.

Assent of
municipal
council or
Railway
Committee.

(2) No such agreement shall be acted upon in any municipality affected thereby until the assent of the municipal council of the said municipality shall have been obtained thereto, or until an order has been made by the Railway Committee pursuant to the provisions of this Act.

Application to
Railway Com-
mittee where
municipality
refuses assent.

(3) If any municipality affected by such agreement shall refuse to assent thereto, an application may be made by either company to the Railway Committee for leave to act upon the said agreement, notwithstanding the want of such assent, and upon such application being made the Railway Committee may appoint a date for the hearing of the application and notice shall be sent by post to the parties to the said agreement and to the non-assenting municipality.

Objections to
be stated and
filed.

(4) The Railway Committee in fixing a day or at any time thereafter may require the non-assenting municipality to specify its objections to the said agreement in writing and file a copy of such objections with the Secretary of the Railway Committee, and to serve a copy thereof upon the parties to the said agreement.

Inquiry and
report for
information of
Committee.

(5) The Railway Committee may appoint or direct any person to make an inquiry or report upon any such agreement, or any other matter or thing connected therewith or incident to the objections raised by any non-assenting municipality.

Powers of
Committee as
to inquiry and
report.

(6) The Railway Committee and any person appointed to make any inquiry and report may :—

- (a) Enter into and inspect any places and buildings, being the property of or under the control of either company, the entry or inspection of which appears to it or him requisite.
- (b) Inspect any works, motors, cars, carriages or property of either company.
- (c) Require the attendance of all such persons as it or he thinks fit to call before it or him, and examine or require answers or returns to such inquiry as it or he thinks fit to make.
- (d) Require the production of books, papers, plans, specifications, proofs and documents relating to the matters before it or him.

Witnesses and
evidence be-
fore commit-
tee.

(7) The Railway Committee shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce books, papers or things which they are required to produce as is vested in the High Court of Justice.

Witness fees.

(8) Every witness shall be entitled to receive the same fees and allowances as if summoned to attend before the High Court of Justice.

Matters to be
decided on
application.

(9) The Railway Committee shall have power to determine all questions arising upon the application of any electric railway company, including :

(a) Whether either company shall be entitled to the rights conferred by the agreement, or any of them, notwithstanding the want of assent of the municipality.

(b) What compensation, if any, shall be paid by either or both parties to the agreement in respect of any increased servitude to which the highway of the municipality will be subjected by reason of the agreement and by whom and in what proportions the said compensation shall be paid.

(c) The rate of speed and the order of precedence of the cars of either party to the agreement.

(d) The rights of either company upon the highways traversed by the line or lines of the other company.

5. The Railway Committee shall have jurisdiction from time to time to determine :—

Other matters within jurisdiction of Committee.

(a) Any dispute which may from time to time arise between any two or more companies subject to the legislative authority of this Province respecting the crossing by either company of the line of the other.

(b) Any agreement between such companies for the interchange of traffic, haulage of cars, use of tracks or power.

(c) Any dispute between any municipality and any company with regard to the service, rates and tolls, speed of cars or trains.

6. The sittings of the Railway Committee may be held at any place in the Province of Ontario.

Sittings where to be held.

7. Any decision or order of the Railway Committee may be made an order of the High Court of Justice and shall be enforced in like manner as any rule or order of the Court.

Enforcing orders of Committee.

8. The Railway Committee may from time to time review and rescind or vary any report or order previously made by it.

Review and amending reports and orders.

9. The Railway Committee may, if it thinks fit, and at the instance of any party to the proceedings, and upon such security being given as it directs, state a case in writing for the opinion of the Court of Appeal for Ontario upon any question which in the opinion of the Committee is a question of law.

Stating case for Court of Appeal.

10. The Court of Appeal for Ontario shall hear and determine the question or questions of law arising thereon, and remit the matter to the Committee with the opinion of the court thereon.

Duty of Court of Appeal on stated case.

Petition to Lieutenant-Governor in Council from order of Committee.

11. Subject to the provisions of section 8 hereof every decision and order of the Railway Committee shall be final, provided always that every party may petition the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may in his discretion rescind, change or vary the said order as he deems just and proper.

Fees on orders of Committee to be paid in stamps.

12. There shall be paid in law stamps upon every order made by the Railway Committee such sum as may be directed by the Committee, regard being had to the expense occasioned to the Province in the matter, and such law stamps shall be paid in the first instance by the applicant for such order, and shall be a debt due by the applicant to His Majesty, and a summary order may be made for payment thereof by the Railway Committee, which order may be made a rule of law and enforced summarily by the High Court of Justice.

Costs.

13. The costs of and incidental to any proceedings before said Railway Committee shall be in the discretion of the Committee.

Documents of Committee, how proved.

14. Every document purporting to be signed by the chairman and secretary of the Committee or by either of them, shall be received in evidence without proof of any such signature, and until the contrary is proved, shall be deemed to be so signed and to be duly executed by the Committee.

Notice of decisions of Committee.

15. Every decision and order of the Railway Committee shall be considered as made known to the parties by notice thereof signed by the chairman and secretary, or either of them, and sent by post to the parties or their agents.

Notice to be given before passing by-law authorizing construction on highways.

16. No municipal council, notwithstanding anything contained in *The Electric Railway Act*, or any other Act to the contrary, shall pass a by-law authorizing any electric railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, until written or printed notices of the intended by-law specifying the route to be taken by the railway shall have been previously posted up for one month in six of the most public places in the municipality, and published weekly for at least four successive weeks in some newspaper published in the municipality, or, if there be no such newspaper, in a newspaper published in a neighboring municipality, or, if there be no such, then in a newspaper published in the county town, and except upon a two-thirds vote of all members of the municipal council present and voting upon the consideration of such by-law.

Objectors to be heard by council.

(2) The council shall hear in person or by counsel any one whose property may be prejudicially affected by such proposed railway who desires to be heard.

Appeal against by-law to Railway Committee.

(3) Any person so heard may appeal to the Railway Committee against any by-law prejudicially affecting his property.

17. The right and authority of any railway company to lay out or construct its railway on, upon or along any public highway, road, street or lane, shall, in addition to any further terms and conditions the municipal council may impose, be subject to the following terms and conditions:—

Construction of railway on highways and conditions to be observed.

(a) The rails of the company shall conform to the grade of the street. Grade.

(b) In all cases where the rails are laid upon the paved or travelled portion of the street, or on any part thereof, the rails shall be laid (as nearly as practicable) flush with the street, and shall be laid so as to cause the least possible impediment to the ordinary traffic of the street, and shall be so kept and maintained by the railway company. The railway company shall also, unless otherwise determined by the municipal council, at its own expense, keep clean and in proper repair the streets, between the rails, and for eighteen inches on each side of the rails; and in default, the council may cause the same to be done at the expense and proper cost of the company. Rails to be flush with street, etc.

(c) All other ordinary vehicles may use and travel in the said tracks, provided they do not interfere with or impede the running of the cars, or other conveyances of the company; and in all cases any carriage or other vehicle on the track shall immediately, by leaving the track, give place to the cars or other conveyance of the company; and any person neglecting or refusing to do so shall be liable on summary conviction to a fine of not more than ten dollars, besides costs, and the same shall be recovered before any Justice of the Peace. Use of tracks by other vehicles.

(d) No cars or train of cars shall be operated on any highway at a greater speed than fifteen miles an hour unless authorized by the Railway Committee. Speed.

(e) The cars, carriages or other vehicles upon the railway for the conveyance of passengers, and the apparatus and arrangements in connection therewith, shall, in every instance, comply with the provisions of section 82, subsection 1 of *The Electric Railway Act*, and the railway company shall be subject to the direction and control of the Commissioner of Public Works, as provided by the said subsection, and shall be subject to the penalties provided therein for failure to comply with any of the provisions thereof. Compliance with conditions of Rev. Stat., c. 259, s. 82, sub-s. 1.

18. The Railway Committee may from time to time make regulations respecting the terms and conditions of agreements for connections with running arrangements over or the sale, lease or hiring of any railway, electric railway or street railway subject to the Legislative authority of this Province and every agreement for any of such purposes shall comply with and be subject to such regulations and shall be void in any respect in which the same shall not be complied with. Regulations governing running arrangements with other companies.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislative Assembly is in session

at the date thereof and if the Legislature is not in session such regulations shall be laid before the said House within the first seven days of the session next after such regulation is made.

(3) In case the Legislative Assembly at the said session or if the session does not continue for three weeks after the said regulation is laid before the House then at the ensuing session of the Legislature disapproves by resolution of such regulation either wholly or of any part thereof the regulation so far as disapproved of shall have no effect from the time of such resolution being passed.

No. 198.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting Electric Railways.

First Reading, 4th March, 1902.
Second Reading, 10th March, 1902.

Mr. ROSS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Railway Act of Ontario.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 29 of *The Railway Act of Ontario* is amended
5 by adding thereto the following paragraph :—

Rev. Stat.
c. 207 s. 29
amended.

Wherever the railway crosses the public highway on the
level the company shall erect at such crossing gates or bars
which shall be closed or lowered before any engine or train of
the company crosses such public highway and opened or raised
10 after the engine or train has crossed, and the company shall
employ some person at each such crossing whose duty it shall
be to open and close the gates or lower and raise the bars at
the proper times, provided that no railway hereafter con-
structed shall cross any public highway on the level without
15 the consent in writing of the Commissioner of Public Works
to be given after enquiry and report by the engineer of the
Public Works Department or some other officer detailed for
that purpose.

Level cross-
ing to be
protected by
gates or bars.

No. 199.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Railway Act of
Ontario.

First Reading, 4th March, 1902.

Mr. JOYNT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty

An Act to amend The Electric Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 40 of *The Electric Railway Act* is amended by
5 adding thereto the following subsection :—

Rev. Stat.
c. 209 s. 40
amended.

(6) Wherever any portion of the railway which is not passing along the public highway crosses a public highway on the level the company shall erect at such crossings gates or bars which shall be closed or lowered before any car or train of the
10 company crosses such highway and opened or raised after the car or train has crossed and the company shall employ some person at each such crossing whose duty it shall be to open and close the gates or lower and raise the bars at the proper times provided that no portion of any railway hereafter con-
15 structed which is not carried along the public highway shall cross any public highway on the level without the consent in writing of the Commissioner of Public Works, to be given after enquiry and report thereon by the engineer of the Public Works Department or some other officer detailed for that pur-
20 pose.

Level cross-
ings to be
protected by
gates or bars.

No. 200.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Electric Railway
Act.

First Reading, 4th March 1902.

Mr. JOYNT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Game Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 4 of *The Ontario Game Protection Act* is repealed and the following substituted therefor:—

63 V., c. 49,
s. 4, subs. 2,
repealed.

(2) No moose, reindeer or caribou shall be hunted, taken or killed in that part of Ontario lying to the south of the main line of the Canadian Pacific Railway from the Town of Mattawa to the Town of Port Arthur except between the first day of November and the fifteenth day of November inclusive in each year. Throughout all that part of the Province of Ontario lying north and west of the main line of the Canadian Pacific Railway from Mattawa to Port Arthur the open season for moose and reindeer or caribou shall be from October 16th to November 15th, both days inclusive.

Open season
for moose,
reindeer and
caribou.

2. Paragraph *b.* of subsection 4 of the said section 4 is repealed and the following substituted therefor:—

63 V., c. 49,
s. 4, sub. s. 4,
cl. (b) repealed.

(b) Any quail or wild turkeys between the 1st day of December and the 15th day of October in the following year.

Quail and
wild turkeys.

3. Subsection 6 of the said section 4 is repealed and the following substituted, therefor:—

63 V., c. 49,
s. 4, sub s. 6,
repealed.

(6) Notwithstanding anything in this Act the woodhare or cottontail rabbit may be taken or killed in any manner by the owner, occupant or lessee of any land upon which it can be proved to cause actual damage to trees and shrubs, or by any member of the family of such owner, occupant or lessee or by any person holding a written license or permit to shoot from such owner, occupant or lessee.

Cottontail
rabbits.

4. The said section 4 is amended by adding thereto the following subsection:—

63 V., c. 49,
s. 4, amended.

(7) Notwithstanding anything in this Act contained, persons who have heretofore put, bred or imported, or who shall hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same, and the licensees of any such persons may hunt, take or kill any such deer between the

Open season
for killing
deer upon
preserves.

first day of October and the fifteenth day of November in any year, but the onus of proof that such deer was or were so put, bred or imported shall rest on the person hunting or killing the same.

No. 201.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act to amend The Ontario Game Protection Act.

First Reading, 5th March, 1902.

Mr. LATCHFORD.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act to amend the Act respecting the Barberry
Shrub

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Act passed in the sixty-third year of the reign of 63 V. c. 48,
5 Her late Majesty Queen Victoria, and chaptered 48, is s. 1 repealed.
amended by striking out section 1 of the said Act and sub-
stituting the following therefor :

1. No person shall plant, cultivate or sell the shrub known as Penalty for
the barberry shrub, (berberis) and every person guilty of the planting
10 violation of this section shall be liable, on summary conviction shrub.
thereof before a justice of the peace, to a penalty not exceed-
ing \$10, besides the costs of conviction, to be recovered as pro-
vided by *The Ontario Summary Convictions Act*.

2. Section 2 of the said Act is amended by striking out the 63 V. c. 48,
15 words " and held and used for farming purposes " in the third s. 2 amended.
line of the said section, and by adding after the word " shrub "
in the fourth line of the said section the words " or any plant
of said shrub."

3. The said Act is further amended by adding the following 63 V. c. 48,
20 sections :— amended.

4. Where prior to the passing of this Act any person has Shrub already
planted or has growing upon lands owned or occupied by him planted in
and situate within any city, town or incorporated village cities, etc., to
any hedge or fence formed by the said shrub or any be destroyed.
25 plants of the said shrub, the Minister of Agriculture
may upon petition signed by at least three owners or
occupants of lands in an adjoining rural municipality, and after
the report of one or more qualified persons appointed by the
Minister for such purpose, require the person owning or occu-
30 pying the said lands to remove and destroy such hedges, fences,
or plant, and upon his neglect or refusal to do so within one
month after the service of notice in writing regarding such
removal and destruction, the Minister may cause the same to
be removed and destroyed.

Compensa-
tion.

5. Where the owner or occupant of lands situate within the city, town or incorporated village removes and destroys such hedge, fence or plant as required by the Minister and such hedge, fence or plant has been planted before the passing of this Act, he will be entitled to such compensation as the Minister in his discretion may see fit to allow, such compensation to be paid out of the Consolidated Revenue Fund of the Province. 5

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend the Act respecting the
Barberry Shrub.

First Reading, 5th March, 1902.

Mr. DRYDEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Municipal Fire Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be cited as *The Municipal Fire Insurance Act* Short title.
2. The municipal council of every county, city or town desirous of adopting the provisions of this Act may submit a by-law to the vote of the electors qualified to vote on money by-laws under the provisions of *The Municipal Act* and amending Acts in that behalf, adopting the provisions of this Act, and for the establishment of a Bureau of Fire Insurance for such municipality. Bureau to be established on vote of rate-payers.
3. The said bureau shall consist of three members to be called Fire Insurance Commissioners, two to be appointed by the council of the municipality, and the third by the Local Board of Trade. Of whom composed and how appointed.
4. Of the commissioners appointed as hereinbefore provided, one shall retire annually in rotation, and at the first meeting of the commissioners, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered as of record as part of the minutes of said meeting. Commissioners' term of office.
5. An appointment shall be made forthwith after the expiration of the term of office of any of the said commissioners, and shall be so made that the said bureau shall always consist of three commissioners, two being the appointees of the municipal council, and one the appointee of the Local Board of Trade as aforesaid. In case of the death or resignation of a commissioner a successor shall in like manner be appointed for the balance of the said commissioner's unexpired term. Regulation of appointments.
6. Retiring commissioners shall be eligible for reappointment, and shall hold office until their successors are appointed. Commissioners eligible for reappointment.
7. Commissioners appointed in any municipality shall be a corporation with all the powers mentioned and set forth in To constitute a corporation.

Name of. sub-section 25 of section 8 of *The Interpretation Act*, and their corporate name shall be The Municipal Bureau of Fire Insurance of (as the case may be).

To elect chairman. 8. The said commissioners shall at the commencement of each business year, and forthwith after the appointment of the incoming commissioner shall be made as aforesaid, elect a chairman from amongst themselves.

To appoint manager and officers. Meetings when held. 9. The commissioners may from time to time appoint a manager, secretary, treasurer, solicitor, inspectors and such other officers, agents and assistants as to them seem necessary; prescribe their duties; fix their compensation, salary or allowance; take such security from them as is required by this Act for the faithful performance of their duties and remove them and appoint others in their stead; the commissioners may hold their meetings weekly, or oftener if necessary, for transacting the business of the bureau: and they shall keep a record of their proceedings.

Commissioners may pass by-laws. 10. The commissioners may from time to time make and prescribe such by-laws as to them appear needful and proper respecting the funds and property of the said bureau, the duty of the officers, servants and assistants thereof, the effectual carrying out of the objects contemplated by this Act, and all other matters that appertain to the business of the bureau and are not contrary to law; and may from time to time alter and amend the said by-laws.

Commissioners to manage the property, etc., of the Bureau. 11. The commissioners shall superintend and have the management of the funds and property of the bureau and of all matters relating thereto and not otherwise provided for.

Deposit of funds. 12. All moneys received by the commissioners shall be forthwith deposited to the credit of the bureau in a chartered bank, and shall only be withdrawn therefrom on the authority of the commissioners and upon a cheque signed by the chairman or one of the commissioners acting as chairman, the treasurer and accountant of the bureau.

Investment of funds. 13. The commissioners may, in the name of the bureau invest the moneys and funds of the bureau in Dominion Provincial or municipal debentures.

Loans to or from commissioners, etc., forbidden. 14. No bureau shall contract with any commissioner or officer thereof for any loan, credit or borrowing of money; and every such attempted loan, credit or borrowing of money is hereby prohibited, and any contract in violation of this section shall be void.

Commissioners and officers to give security. 15. Each commissioner shall give security to the satisfaction of the treasurer of the municipality in a sum of not less than \$10,000 for the faithful discharge of his duties, and the treas-

urer of the bureau and any other officers having charge of the moneys of the bureau shall give security to the satisfaction of the commissioners in a sum not less than \$4,000 for the faithful discharge of their duties.

16. The municipal council shall, by by-law, fix and allow the remuneration of the commissioners, which shall be paid out of the funds of the Fire Insurance Bureau.

Remuneration
of commis-
sioners.

17. All buildings within the limits of the municipality and shown on the assessment roll of the municipality may be insured in the Municipal Bureau of Fire Insurance to the amount of two-thirds of their assessed value at such premium or rate as shall be fixed by the commissioners.

All assessed
buildings shall
be insured.

(2) The commissioners may, by by-law, exclude from the operation of this Act and refuse to insure buildings and erections of a hazardous nature or character.

Dangerous
risks excluded

18. The commissioners may pass by-laws regulating the storage of gun-powder, dynamite, oils, and other dangerous or inflammable goods or materials.

Storage of gun
powder etc.

19. The commissioners shall pass by-laws—

By-laws of
Commis-
sioners.
Classification
of insured
property.

(1) Classifying all buildings shown on the assessment roll as to the probable risk in insuring the same, in which classification the use to which the building is put, as well as its construction, surroundings and locality shall be considered.

(2) Fixing the rate of percentage to be charged on the buildings according to their classification.

Rate of insur-
ance.

(3) Assessing the amount to be paid on all buildings for the insurance thereof, according to the classification made and rate struck by the commissioners.

Amount of
premium.

20. The owners of all new buildings and buildings in course of erection, and which have not appeared on the assessment roll of the municipality, and of all buildings which have been improved or enlarged since the making of the then assessment roll, may apply to the bureau for insurance on such new buildings and for increased insurance on such improvements or enlargements, and the commissioners may forthwith ascertain the value of such buildings or of such improvements or enlargements, and classify such new buildings or improvements according to the by-laws of the bureau, charging the premium according to such classification for insuring such new buildings or improvements, which premiums shall be for the current term or the then assessment roll, and shall be forthwith paid by the insured, who shall be entitled to a receipt therefor.

Insurance
of new build-
ings, etc., how
effected.

21. The commissioners shall cause to be prepared a fire insurance roll, in which they shall set down :

Fire insurance
Rolls, their
contents, etc.

Names, etc. of owners, etc. of insurable property. (1) The names and surnames in full, with the addresses of the owners of all property insurable hereunder, as shown by the current assessment roll of the municipality, and also the names and addresses of all parties to whom, by notice or assignment, losses are to be paid.

Particulars of property. (2) The description and extent or amount of insured property assessed against each, as shown by said assessment roll.

Classification of for insurance. (3) The classification and rating made by the commissioners of the property for fire insurance purposes.

Premium charged. (4) The amount of premium charged for insurance of the property according to such classification and rating.

Fire Insurance Roll to be delivered to clerks of Municipalities. 22. Such fire insurance roll shall be delivered to the clerk of the municipality on or before the 31st day of December in each year.

Council to collect premiums 23. The council of the municipality shall levy and collect upon the insured property within the municipality in the manner provided in the Municipal and Assessment Acts the amounts or premiums chargeable against said insured properties as shown by the said fire insurance roll.

Fire Insurance rate. 24. The clerk of every municipality, in annually making out the collector's roll shall place columns therein so that under the head of fire insurance rate the amounts charged for fire insurance may be distinguished from the general taxes, school and other rates, and the proceeds of any such fire insurance rate shall be kept distinguished by the collector and accounted for accordingly.

Discount on rates forbidden. 25. The council of every municipality shall not allow any discounts on the payment of such insurance rates, but the same shall be collected in full without rebate or deduction.

Percentage to be charged on non-payment. 26. In case of insurance rates remaining unpaid after the day appointed for the payment of the taxes of the municipality, all additional percentages or charges made on the general taxes or other rates of the municipality shall be charged on such insurance rates.

To be paid by Council to Bureau. 27. All insurance rates shown on said fire insurance roll with any additional percentages or charges thereon levied and collected by the council of the municipality shall be paid by the municipal council to the bureau on the last day of every month.

Commissioners may examine witnesses under oath. 28. The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the effectual carrying out of the objects of this Act and all other matters appertaining to the business of the bureau and the administration of their duties, and they shall have the same

power to enforce the attendance of such witnesses and to compel them to give evidence as is vested in any court of law in civil cases. A notice to attend before the commissioners shall be sufficient, if signed by the chairman or any of the commissioners.

29. A majority of the commissioners shall constitute a Quorum. quorum, and the acts of the majority shall be considered acts of the whole.

30. All by-laws of the bureau shall be sufficiently authenticated by being signed by the chairman of the bureau which passes the same; and a copy of such by-law written or printed and certified to be a true copy by any one of the commissioners shall be deemed authentic and be received as *prima facie* evidence in any court of justice without proof of such signature. How by-laws to be authenticated and proved.

31. In all cases where the commissioners are authorized to make by laws they shall have the power in and by such by-laws to attach penalties for the infraction thereof to be recovered and enforced by summary proceedings, before any police magistrate or justice of the peace having jurisdiction in the municipality for which the same are passed in the manner and to the same extent that by-laws of the city councils may be enforced under the authority of *The Municipal Act*, and the convictions in such proceedings may be in the forms in the said Act set forth. May be enforced by penalties, etc.

32. All by-laws of the bureau relating to matters over which such bureau may have jurisdiction shall supersede all by-laws conflicting therewith which may be passed by the council of the local municipality. To supersede by laws of council.

33. The members of the fire brigade of the municipality shall be appointed by and hold their offices at the pleasure of the commissioners and be subject to their lawful regulations, and the commissioners shall have the control, ordering and management of the fire halls and fire brigade equipments. Appointment of members of fire brigade.

34. The municipal council shall appropriate and pay such remuneration for and to the respective members of the fire brigade as may be required by the commissioners, and shall provide and pay for all such buildings, signal boxes, clothing, reels, engines, horses, equipments and other necessities as the commissioners may from time to time deem requisite. Remuneration and contingent expenses.

35. The commissioners shall apply in part payment of the costs of the maintenance and equipment of the fire brigade such an amount of the premiums to be received by them as they may deem advisable. Commissioners may contribute thereto.

Council to
provide
hydrants.

36. The municipal council shall establish and maintain water-hydrants on all streets, squares and public places at such places as the commissioners may by by-law require.

Fire limits,
etc.

37. The commissioners shall from to time advise and confer with the municipal council upon all matters relating to the erection of buildings and the establishments of fire limits.

Yearly state-
ment to the
council of the
municipality.

38. The commissioners shall prepare, at the end of each year of the operation of the bureau, a statement of the condition and affairs of the bureau up to such time, exhibiting its assets, liabilities, receipts and expenditures, such statement to be deposited in the office of the clerk of the municipality, and be accompanied by the affidavits of the commissioners that they have each individually, verified the correctness of the said statement, and that the same is a full and correct exhibit of all the assets and liabilities and of the income and expenditure of the said bureau and of the general condition and affairs of the said bureau for the year then ending.

Audit of
books, etc., of
the bureau.

39. The commissioners shall cause the books, vouchers and papers of the bureau to be open for the inspection and supervision of the auditors of the council, and shall do all in their power to facilitate such inspection, and the said auditors shall, at least once in each month, audit the books of such bureau and report each audit to the council as soon as completed.

Protection
and powers of
officers.

40. The commissioners and their officers shall have like protection in the exercise of their respective offices and the execution of their duties as justices of the peace now have under the laws of this province and the inspectors and other officers of the bureau when in the discharge of their duties shall be *ex-officio* possessed of all the powers and authority of constables.

Limitation of
actions.

41. Every action against the bureau for the partial or total loss of any insured property shall be brought within six months next after the loss occurs, or otherwise the claim therefor shall be absolutely barred.

INSURANCE DISTRICTS.

District
bureaus, how
formed.

42. Two or more municipalities may by concurrent by-laws which shall be submitted to the vote of the ratepayers, unite their respective municipalities into a district for fire insurance purposes, and any such municipality may withdraw from the district after a by-law for such withdrawal has been adopted by the ratepayers of the municipality on application to the Lieutenant-Governor in Council and on such terms as shall on such application be imposed.

43. The members of the district Municipal Bureau of Fire Insurance shall consist of two commissioners for each several municipality, one to be appointed by the Municipal Council and one by the Board of Trade of each several municipality included in the district. How composed.

44. The commissioners appointed by each municipality shall prepare the yearly fire insurance roll for such municipality as hereinbefore provided, and have the conduct of all the business of the bureau relating to the municipality represented by them. Provided that all such actions and proceedings and business shall be submitted to the supervision of and endorsed by the commissioners for the whole district. All fire insurance rolls shall be submitted to the supervision of and endorsed by the commissioners for the whole district, who shall equalize all classifications and ratings according to the respective insurable risk of the insured properties in the several municipalities. Separate roll for each municipality in district.

45. All rates for insurance in each municipality shall be collected by the council of such municipality, in the manner hereinbefore provided. Collection of rates.

46. The sums received from the various municipalities of the district, whether for insurance rates or for the establishment and maintenance of the fire brigade and appliances, shall be kept separate and distinct, and shall be placed by the said district commissioners to the credit of the municipality paying the same. Separate accounts to be kept.

47. All fire losses, so soon as as the same shall be adjusted, ascertained and accepted by the district commissioners, shall be paid as follows: Fifty per cent. of such loss to be paid out of the funds of the municipality in which the loss has occurred, and the balance out of the funds of the other municipalities in the district, which balance shall be levied on such funds rateably according to the amount of insurance the last mentioned municipalities shall carry in the district bureau; or in such other manner as the district commissioners shall by law, to be approved of by the inspector of insurance, adopt. Losses, how paid.

48. Every district bureau shall have the same powers, be subject to the same regulations and perform like duties as a local bureau, except as above provided. Regulations of district bureau.

GENERAL PROVISIONS.

49. In municipalities where there may be no Board of Trade, all commissioners shall be appointed by the municipal council. Where there is no board of trade.

Provisions of
sec. 114 *In-*
surance Act to
apply.

50. The provisions of section 168 of *The Ontario Insurance Act*, except when inconsistent with this Act, shall apply to all insurance effected under this Act, and be binding on the insured.

When bureau
employing sol-
icitor at a
salary may
recover costs.

51. Where a solicitor or counsel is employed by the bureau, whose remuneration is wholly or partly by salary, annual or otherwise, the bureau shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary.

Debentures to
be issued by
municipality
for a rest fund.

52. In the event of a majority of the ratepayers voting in favour of the establishment of a Municipal Bureau of Fire Insurance, the municipal council of the municipality may issue debentures from time to time to amounts to be fixed by the Inspector of Insurance for Ontario, and no by-law for the issue of such debentures shall require to be submitted to a vote of the ratepayers before the final passing thereof, anything in *The Municipal Act* and amendments thereto or any other Acts notwithstanding. All such debentures shall be transferred to the commissioners and shall be utilized by them in forming a rest fund for the bureau.

Bureau to pay
all interest.

53. The bureau shall be chargeable with and shall pay all interest on the said debentures.

No. 203.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting Municipal Fire Insurance.

First Reading, 5th March, 1902.

Mr. COLQUHOUN

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The Ontario Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 16 and 17 of *The Ontario Election Act* are
5 repealed. Rev. Stat. c. 9
ss. 16, 17 re-
pealed.
- 2 The said Act is amended by adding to section 43, sub-
section 1, the following words: "except when more than one
polling place is provided for a polling subdivision." Rev. Stat. c. 9
s. 43 subs. 1
amended.
3. The said Act is amended by adding to section 43 the
10 following subsections:— Rev. Stat. c. 9
s. 43 amended.
 - (6) Where a polling subdivision contains more than three
hundred voters the returning officer shall provide separate and
additional polling places according to the total number of
voters on the proper list of voters for such polling subdivision,
15 near to one another, for the polling of the votes in such polling
subdivision, and so that not more than three hundred voters'
names shall be on the list to be entered in the poll book for
each polling place. Additional
polling places
to be provided
where voters
exceed 300.
 - (7) Each separate polling place shall be designated by the
20 initial letters of the surnames of the voters on the list who are
to vote in such polling place, in the following manner, that is
to say, from A to K, and from L to R and from S to Z, or as
may be determined upon by the returning officer. Division to be
according to
initial letter
of voters'
names.
 - (8) Every voter, the initial letter of whose surname is in-
25 cluded within the letters of the alphabet designating a polling
place and contained in the list in the poll book for the same,
shall vote in the polling place so designated. Where voters
to vote.
 - (9) The returning officer shall appoint a deputy returning
officer for each such polling place, and shall deliver to such
30 deputy in due time a poll book containing the names of all
voters on the proper list of voters for the polling subdivision
whose surnames commence with the letters of the alphabet
included within the letters by which such polling place is
designated. (See *The Franchise Act, 1898, sec. 7.*) Appointment
of deputies for
additional
polling places.

Municipalities
not relieved
from duty as
to polling
subdivisions.

(10) Nothing in this section contained shall be held to relieve the council of a municipality from the duty of making a new division of the municipality, or any part thereof, into polling subdivisions, or redividing a subdivision as often as the number of qualified voters in a polling subdivision exceeds 5 two hundred. (*The Ontario Election Act*, see sec. 16 (2.)

No. 204.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL

An Act to amend The Ontario Election Act.

First Reading, 5th March, 1902.

THE ATTORNEY GENERAL.

TORONTO :

PRINTED L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

No. 205.]

BILL.

[1902.

An Act to amend The Industrial Schools Act.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Notwithstanding anything in *The Industrial Schools Act*
5 contained, any male child who may be committed to any Industrial school under this Act or under any other Statute of the Province of Ontario, may be committed to the Ontario Reformatory for boys or to an Industrial school as in the judgment of the convicting magistrate, taking into consideration
10 the nature of the case and character of the child, may seem most expedient.

No. 205.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The Industrial Schools
Act.

First Reading, 6th March, 1902.

MR. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting a certain Drainage Debt of the
Township of Sarnia.

WHEREAS under an Act of the late Province of Canada, ^{Preamble.}
passed in the year 1857, the Corporation of the Town-
ship of Sarnia for the purpose of reclaiming lands covered by
what was known as Lake Wawanosh and adjacent thereto,
5 constructed a drain from the said Lake Wawanosh into Lake
Huron at an expenditure of upwards of \$20,000; and whereas
in the years 1867 and 1868 the further sum of \$10,000 was
expended by the said corporation in making necessary im-
provements in the said drain, and whereas owing to the con-
10 struction of drains in the Townships of Moore, Enniskillen,
and Plympton having an outlet in the said drain in the Town-
ship of Sarnia, the capacity of the said last mentioned drain
was overtaxed, causing the corporation of the Township of
Sarnia to be harassed by actions for damages; and whereas
15 the said corporation of the Township of Sarnia applied to the
Government of the Province of Ontario for the construction
of works upon the said drain under *The Ontario Drainage
Act*, and such works were constructed under the supervision
of the Engineer of the Department of Public Works of On-
20 tario, and the cost of such work was ultimately settled at the
sum of \$28,000, to be paid by the said corporation to the Pro-
vince in twenty annual instalments of \$2,112.80 each, and a fur-
ther instalment of \$590.14, and whereas owing to the enlarge-
ment and extension of other drainage works having an outlet in
25 the said drain in the Township of Sarnia, the same has proved
entirely inadequate, and in the year 1888 a further sum of
\$10,000, and in the year 1890 a still further sum of \$1,500
was expended upon the said drain; and whereas in the year
1894 it again became necessary to practically reconstruct the
30 whole work in order to provide an efficient outlet, and the
works then constructed have proved sufficient to carry off all
the flood waters, and thus render large areas of land hitherto
useless fit for cultivation, and free them from any danger of
flooding, and whereas the main drainage works in the Town-
35 ship of Sarnia hereinbefore were constructed at a time when
the law did not permit of the taxation of the higher lands for
outlet to the same extent as at present, so that the adjoining
townships and higher lands escaped a great part of the assess-
ment to which they would be liable were the works to be con-
40 structed now, and thus a great portion of the burden of ex-

penditure has been borne by the Township of Sarnia generally; and whereas a petition having been presented to the Lieutenant-Governor-in-Council setting forth that there remained of the said indebtedness to the Province only two instalments to be paid, that is to say an instalment of \$2,112.80 5 falling due in January, 1902, and an instalment of \$590.14 falling due in January, 1903, and that no part of the said indebtedness was in arrear, and praying to be relieved of the payment of the said instalments; and whereas upon an examination of the works and report by an engineer of the 10 Public Works Department it appeared that had the said drainage works in the Township of Sarnia been constructed after the passing of *The Drainage Aid Act, 1900*, the said Township would have been entitled to apply for assistance under the said Act; and whereas an Order in Council was passed on 15 the 19th day of December, 1901, cancelling the balance of the indebtedness of the Township of Sarnia amounting to \$2,802.94, subject to the confirmation of the said Order in Council by an Act of this Legislature; and whereas it is expedient that the said Order in Council should be confirmed 20 and the said indebtedness cancelled;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order in Council confirmed and balance of township's indebtedness to Crown cancelled.

1. The said Order in Council of the 19th December, 1901, 25 is validated and confirmed, and the indebtedness of the Municipal Corporation of the Township of Sarnia to the Crown as represented by the Province of Ontario, in respect to the said instalments of \$2,112.80 and \$590.14 respectively, is declared to be cancelled, and it shall not be necessary for the Municipal 30 Council of the said Township to pay the said instalments, or to levy any further rates upon the lands assessed for the said work under *The Ontario Drainage Act* in respect of the said indebtedness, and the said Municipal Corporation of the Township of Sarnia and the said lands are declared to be 35 wholly freed and discharged therefrom.

No. 206.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting a certain drainage debt
of the Township of Sarnia.

First Reading, 7th March, 1901.

Mr. ROSS.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsections 6 and 7 of section 34 of *The High Schools Act* are repealed, and the following substituted therefor :—

1 Edw. VII.
c. 40, s. 34,
subs. 6, 7,
repealed.

(6) Where the trustees of a high school situate in a city or in a town separated from the county for municipal purposes, have notified the clerk of the county, or where the trustees of a high school situate in a municipality not situate in the county but contiguous thereto, have notified such clerk, that the high school in such city, town or contiguous municipality that such high school is open to county pupils from such county on the same terms as to resident pupils the council of such county shall pay to the trustees of such high school eighty per cent. of the average yearly cost for the five years next preceding, or for such shorter period as the high school may have been in operation, of the maintenance of county pupils from such county at such high school.

Maintenance
of county
pupils at high
school in town
or city or in
municipality
in another
county.

2. Subsection 1 of section 38 of the said Act is amended by striking out all the words in the said subsection after the word school in the fifth line, and inserting in lieu thereof the words, "and the council of any county may by a two-thirds vote of the members thereof pass by-laws from time to time for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein."

1 Edw. VII.
c. 40, s. 38,
subs. 1,
amended.

3. Section 32 of *The High Schools Act* is amended by adding thereto the following subsections:

1 Edw. VII.
c. 40, s. 32,
amended.

(4) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships to the pupils of the public or separate schools situate within the municipality. The number of said scholarships shall be fixed by the high school or collegiate institute board, and the said board may award the same by competitive examinations or otherwise and shall have full power to prescribe the tenure of said scholarships and vote money for the expenses of holding any examinations therefor. Such scholarships shall be

Scholarships
for public and
separate
school pupils.

awarded only to a ratepayer of the municipality or municipalities contributing to the maintenance of such high school or collegiate institute.

(5) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships 5 not to exceed six per high school or collegiate institute to the pupils of said high school or collegiate institute on the results of form or other examinations within the said high school or collegiate institute, said scholarships to entitle the holder to not more than one year's free tuition in said high school or 10 collegiate institute, and the high school or collegiate institute board may make all necessary rules and regulations regarding these scholarships.

1 Edw. VII.,
c. 40, s. 17,
amended.

4. Section 11 of *The High Schools Act*, chapter 40, 1 Ed. VII, is amended by adding thereto the following paragraph:— 15

The board of trustees of any high school or collegiate institute may annually vote a sum of money not exceeding \$300 in cities of 100,000 or more and not exceeding \$150 in other municipalities for the encouragement of athletics and the expenses of school games. 20

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The High Schools Act.

First Reading, 7th March, 1902.

Mr. HARCOURT.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to amend The High Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsections 7 of section 34 of *The High Schools Act* is amended by striking out the word "may" in the 4th line of the said subsection and inserting in lieu thereof the word "shall."^{1 Edw. VII. c. 40, s. 34, subs. 7, amended.}

2. The said section 34 is further amended by adding thereto the following subsections :—^{1 Edw. VII. c. 40, s. 34, amended.}

(8) In adjusting the liability of the county for the maintenance of county pupils in attendance at any high school situate in any town separated from the county, the county council (or in case of disagreement the county judge) shall deduct from the amount for which the county is liable for maintenance in such cases such amount as the municipality so separated from the county would have paid towards such grant had such municipality formed part of the county.^{Deduction in case of town separated from the county.}

(9) Subject to the deduction provided for in subsection 8 of this section when the trustees of any High School in a town or city adjacent to a county or in a town separated from a county have notified the county clerk that such high school is open to non-resident and to county pupils on the same terms as resident pupils, the county council shall in all cases pay for the maintenance of county pupils at such high school or schools a sum equal to eighty per cent. of the average cost of the yearly maintenance of pupils at such high school.^{Payments by county for non-resident and county pupils in city or town.}

(10) Where the trustees of any high school in a town separated from the county have notified the clerk of any city contiguous to such town that such high school is open to pupils from such city on the same terms as to resident pupils, the council of such city shall pay for the maintenance of city pupils at such high school a sum equal to eighty per cent. of the average cost of the yearly maintenance of pupils at such high school.

(11) Any county council may by a two-thirds vote give additional aid to any one or more high schools or collegiate institutes in the county without giving such aid to all the high schools in said county.^{Additional aid to high schools by county.}

1 Edw. VII.
c. 40, s. 38,
subs. 1,
amended.

3. Subsection 1 of section 38 of the said Act is amended by striking out all the words in the said subsection after the word school in the fifth line, and inserting in lieu thereof the words, "and the council of any county may by a two-thirds vote of the members thereof pass by-laws from time to time for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein."

1 Edw. VII.,
c. 40, s. 32,
amended.

4. Section 32 of *The High Schools Act* is amended by adding thereto the following subsections:

Scholarships
for public and
separate
school pupils.

(4) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships to the pupils of the public or separate schools situate within the municipality. The number of said scholarships shall be fixed by the high school or collegiate institute board, and the said board may award the same by competitive examinations or otherwise and shall have full power to prescribe the tenure of said scholarships and vote money for the expenses of holding any examinations therefor. Such scholarships shall be awarded only to a ratepayer of the municipality or municipalities contributing to the maintenance of such high school or collegiate institute.

(5) The board of trustees of any high school or collegiate institute may annually award a number of free scholarships not to exceed six per high school or collegiate institute to the pupils of said high school or collegiate institute on the results of form or other examinations within the said high school or collegiate institute, said scholarships to entitle the holder to not more than one year's free tuition in said high school or collegiate institute, and the high school or collegiate institute board may make all necessary rules and regulations regarding these scholarships.

1 Edw. VII.,
c. 40, s. 17,
amended.

5. Section 11 of *The High Schools Act*, is amended by adding thereto the following paragraph:—

The board of trustees of any high school or collegiate institute may annually vote a sum of money not exceeding \$300 in cities of 100,000 or more and not exceeding \$150 in other municipalities for the encouragement of athletics and the expenses of school games.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to amend The High Schools Act.

First Reading, 7th March, 1902.

(Reprinted with suggested amendments.)

Mr. HARCOURT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty

An Act to protect the owners of Stallions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

1. Unless he signs an express agreement to the contrary, Lien for service fee.
5 the owner of any stallion which has performed service upon any mare at the request of the owner of such mare or person in charge thereof shall have a lien for the amount of the service fee and costs as hereinafter provided upon such mare and upon the colt or filly, the offspring of such stallion.
- 10 2. In case the mare is at the time such service is performed upon her by any stallion as aforesaid covered by and subject to a chattel mortgage lien for unpaid purchase money or other Where mare is subject to lien for unpaid purchase money. charge the lien under this Act shall be entitled to rank upon the increased value (if any) of such mare by reason of her
15 being in foal, or upon the colt or filly, the offspring of such stallion, in priority to the chattel mortgage lien or other charge.
3. The owner of any stallion or his authorized agent may Filing lien for service. file in the office of the clerk of the municipality in which the
20 owner or person in charge of any mare upon which said stallion has performed service within ninety days after such service a statutory declaration setting forth :—
- (1) The name and residence of the owner of such stallion or Form of declaration. his authorized agent and the name and residence of the owner
25 of or person in charge of such mare.
- (2) The name and pedigree of such stallion and a description of such mare.
- (5) The fact and date of such service.
- (4) The amount of the service fee and time or times when
30 the same is payable.
4. The clerk of such municipality shall file such statutory Index to be kept by clerk. declaration and enter the same in an index to be kept for that purpose on the payment of fee of one dollar.

Lien to apse
if declaration
not filed.

5. In every case where a statutory declaration is not filed as provided by the provision of section 3 of this Act, and within the time therein limited the lien shall absolutely cease to exist.

Enforcing
lien.

6. If default in the payment of the service fee is made and continues for thirty days the owner of the said stallion or an authorized agent may take possession of the mare and colt or filly (if any there be) upon which he has a lien as aforesaid wherever the same may be found and after giving the notice hereinafter provided sell the same by public auction. 5 10

Notice of sale
under lien.

7. Notice setting out the time and place of such auction sale shall be given the person in whose possession the said mare or colt or filly or both or either of them were when taken at least ten days previous to the day of such auction sale, which notice may be effectually given to such person by posting the same in a registered letter addressed to him at his last known place of abode in the Province or by posting up such notice upon the premises where the said mare or colt or filly were when taken. 15

Procedure at
sale.

8. At such auction the colt or filly shall first be offered for sale and the mare shall not be sold unless the colt or filly shall not sell for an amount sufficient to pay the service fee and the reasonable expenses of taking possession, giving of notice, keep, and conduct of sale, which expenses shall not in any case exceed ten dollars. 20 25

Application
of proceeds.

9. The balance of the proceeds of the sale after deducting said expenses and the service fee, if any there be, shall be paid to the person from whose possession the mare or colt or filly was taken in demand.

No. 208.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to protect the owners of Stallions.

First Reading, 7th March, 1902

Mr. DRYDEN.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting The Village of New Hamburg.

WHEREAS the Municipal Corporation of the Village of New Hamburg has by petition set forth that the New Hamburg Manufacturing Company has carried on business in the said village for many years past in the manufacture of agricultural implements, engines, boilers, and otherwise, employing a large number of operatives, and being the chief industry of the said Village of New Hamburg, and that on the 28th of February last the buildings, works, plant, machinery and stock of the said company were totally destroyed by fire and the employees and operatives thereby suddenly thrown out of employment, and that in connection with the said disaster the said village and the ratepayers thereof are desirous of assisting in the re-establishing of the said industry, and to be authorised to grant a bonus not exceeding \$10,000 for such purpose, and the council of the said village has been petitioned by more than two thirds of the ratepayers in the said municipality to seek for necessary powers from the Legislature during its present session to enable the council of the said municipality to pass a by-law in that behalf to authorize the corporation to issue debentures to an amount not exceeding \$10,000 payable on the instalment plan during a period not exceeding 20 years, notwithstanding that the amount required for repayment of the said debenture, together with the payment of similar bonuses already granted by the said village, require an annual levy for principal and interest exceeding ten per centum of the total annual municipal taxation thereof; and whereas no opposition appears to exist to the granting of the said bonus, and it is expedient to confer upon the council the necessary powers to pass a by-law or by-laws to make provision for the granting of such bonus;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Municipal Corporation of the Village of New Hamburg is authorized to pass a by-law or by-laws to grant aid, by way of bonus, gift or loan, not exceeding in the whole \$10,000, to the New Hamburg Manufacturing Company, to assist the said company in re-building and re-establishing its business in the said village, and for issuing debentures repayable, within twenty years at the furthest, from the date of the issue thereof, in equal annual instalments of principal and interest;

Preamble.

Power to aid
New Ham-
burg Manu-
facturing Co.

By-laws to be
subject to
bonus clauses
of Rev. Stat.
c. 223.

2. Any by-law passed under this Act shall be subject to the provisions of *The Municipal Act* and amendments thereto respecting by-laws for granting bonuses to manufacturing industries, provided that such by-laws and the debentures issued thereunder shall be valid notwithstanding that any indebted- 5
ness incurred thereunder shall, for its repayment, together with the payments required to be made in respect of similar bonuses already granted by the said corporation, require an annual levy for principal and interest exceeding ten per cent. 10
of the total annual taxation of the said corporation.

No. 209.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

An Act respecting The Village of New
Hamburg.

First Reading, 10th March, 1902.

(Private Bill).

Mr. KRIBS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

An Act respecting the Town of Berlin and The Ontario
Sugar Company, Limited.

WHEREAS the corporation of the Town of Berlin has by Preamble.
its petition represented that the said corporation on the
second day of December, 1901, finally passed a by-law Number
735 entitled "By-law Number 735 to aid The Ontario Sugar
5 Company, Limited, by granting thereto the sum of twenty-five
thousand dollars by way of bonus, to issue debentures therefor
and to provide for payment of such debentures by an annual
special rate." Such by-law having first been submitted to a
vote of the ratepayers entitled to vote on money by-laws in
10 accordance with the provisions of *The Municipal Act*, when
of the ratepayers qualified to vote as aforesaid voted
in favor of the said by-law and only ratepayers
voted against it, and the total number of ratepayers qualified
to vote on such by-law being , and whereas in and
15 by the said by-law provision is made for the construction,
erection, equipment and development of a beet root sugar fac-
tory with the necessary plant and machinery at a cost of not
less than five hundred thousand dollars and capable of using
and converting into sugar at least five hundred tons of sugar
20 beets per day; and whereas it has been made to appear that
the Town of Berlin is situated in a section of the province ex-
ceptionally favorable for the production of sugar beets; and
whereas the amount of the expenditure to be made on the said
works and plant is very large in comparison with the amount
25 of the bonus of twenty-five thousand dollars authorized by the
said by-law, and the great majority of the ratepayers ap-
pear to be earnestly desirous to assist in manner aforesaid in
establishing the said industry; and whereas the requirements
of the provisions of *The Municipal Act* have been fully com-
30 plied with in all respects, saving and excepting the time within
which the debentures to be issued under the said by-law are to
be paid has been extended to forty years; and whereas the
establishment of the beet sugar industry in this province is a
matter of general public interest and importance, and provis-
35 ion has been made for aiding and encouraging such industry
by provincial subsidy in that behalf; and whereas it appears
that a large number of farmers and other persons living in the
rural districts adjacent or tributary to the Town of Berlin, be-
ing earnestly desirous of having this industry established at
40 Berlin, have of their own accord offered to make certain con-

cessions in the price to be paid for beets grown by them after the first year ; and whereas no opposition has been offered to the said petition or any part thereof : and whereas it is expedient to confirm the said by-law and to make the provisions for the establishment and carrying on of the said industry herein- 5 after set forth ;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law 735 of
Berlin con-
firmed.

1. The said by-law Number 735 of the municipal corpora- 10 tion of the Town of Berlin, set forth as Schedule A to this Act, is hereby confirmed and declared legal, valid and binding upon the corporation of the Town of Berlin and the rate-payers thereof, notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same 15 or otherwise, and the said corporation of the Town of Berlin is hereby authorized to issue debentures as provided by the said by-law, and the debentures so issued or to be issued under the said by-law are hereby declared legal and binding upon the said municipality, and the said corporation is hereby 20 authorized and empowered to do all necessary acts for the full and proper carrying out of the said by-law.

Provisions in
certain agree-
ments not to
disqualify
company for
Provincial
subsidy.

2. No agreements heretofore or hereafter entered into by any growers of sugar beets desirous of so doing for a supply of beets to the said The Ontario Sugar Company, Limited, 25 shall disentitle the said company, if otherwise entitled thereto, to claim aid under the provisions of Chapter XI. of the Statute 1 Edward VII, merely by reason of any such agreements not complying in full with the requirements of section 6, subsection (8), Chapter XI. of the said Statute 1 30 Edward VII.

SCHEDULE A.

BY-LAW No. 735.

To aid The Ontario Sugar Company, Limited, by granting thereto the sum of \$25,000 by way of bonus, to issue debentures therefor and to provide for payment of such debentures by an annual special rate.

Whereas the said The Ontario Sugar Company, Limited, hereinafter called the Company, have proposed to establish and operate upon lands within or near to the Town of Berlin, a factory for the manufacture of beet root sugar, such factory being capable of using and converting into sugar at least 500 tons of sugar beets per day ;

And whereas it is proposed that if necessary the said lands or that portion thereof upon which the said factory shall be erected shall be annexed to and form part of the Corporation of the Town of Berlin ;

And whereas the Corporation of the Town of Berlin has determined to aid the said Company in the construction of the said factory by granting thereto a bonus of \$25,000, and by exempting their said lands, plant, factory and appurtenances from municipal taxation, except as to school tax, for a period of ten years and to fix an assessment value at which the

said factory and the entire assets of the said Company in the said Town shall be assessed during the said period of ten years ;

And whereas it will be necessary for the said Corporation to issue debentures to the extent of \$25,000, as hereinafter mentioned payable in 40 years at farthest from the date on which this By-law shall take effect.:

And whereas it will require the sum of \$1,263.10 to be raised annually by special rate for the payment of the said debt and interest :

And whereas the amount of the whole ratable property of the said Town of Berlin, according to the last revised assessment of the said Town, is the sum of \$3,342,045 ;

And whereas the existing debenture indebtedness in the said Town is the sum of \$316,518.15 for principal, and \$8,421.23 for interest, and no part of the said principal or interest is in arrears ;

Therefore the Municipal Council of the Corporation of the Town of Berlin enacts as follows :—

(1) That the Mayor of the said Town is authorized and required to issue forty debentures of this Corporation, each for the said sum of \$1,263.10, and payable one on the first day of December in each of the forty years next, after the date hereof, and the amount of the said respective debentures shall be made up of a portion of the said principal sum of \$25,000, and of the interest for the year then past respectively on the amount of the principal money from time to time remaining unpaid and according to the schedule following, that is to say :—

	Principal.	Interest.
In 1902	\$263.10	\$1000.00
" 1903	273.63	989.47
" 1904	284.57	978.53
" 1905	295.96	967.14
" 1906	307.80	955.30
" 1907	320.11	942.99
" 1908	332.91	930.19
" 1909	346.23	916.87
" 1910	360.08	903.02
" 1911	374.48	888.62
" 1912	389.46	873.64
" 1913	405.04	858.06
" 1914	421.24	841.86
" 1915	438.09	825.01
" 1916	455.61	807.49
" 1917	473.84	789.26
" 1918	492.79	770.31
" 1919	512.50	750.60
" 1920	533.00	730.10
" 1921	554.32	708.78
" 1922	576.50	686.60
" 1923	599.56	663.54
" 1924	623.54	639.56
" 1925	648.48	614.62
" 1926	674.42	588.68
" 1927	701.40	561.70
" 1928	729.45	533.65
" 1929	758.63	504.47
" 1930	788.97	474.13
" 1931	820.53	442.57
" 1932	853.35	409.75
" 1933	887.49	375.61
" 1934	922.99	340.11
" 1935	959.91	303.19
" 1936	998.30	264.80
" 1937	1,038.24	224.86
" 1938	1,079.77	183.33
" 1939	1,122.96	140.14
" 1940	1,167.87	95.23
" 1941	1,212.88	50.22

Which said debentures shall be sealed with the corporate seal of the said town and signed by the mayor and countersigned by the treasurer thereof, and shall be dated on the day this by-law shall take effect and the interest on the said principal money shall be computed at the rate of four per cent. per annum, and the said debentures shall be payable at the office of the treasurer of the said town.

(2) That the mayor of the said town shall cause the said debentures to be sold at the highest price that can be obtained therefor, and the proceeds thereof shall be paid to the said company so soon as they shall have entered into a binding agreement with the said corporation to comply with the conditions herein set forth, that is to say :—

(a) They shall, when employing workmen give the preference to residents of the said Town of Berlin.

(b) They shall pay the men employed by them in the said factory in cash fortnightly.

(c) They shall not engage directly or indirectly in business as merchants in the said Town of Berlin or in the Township of Waterloo, so as to come into competition with the merchants of the said Town or Township.

(d) They shall properly maintain and operate the said factory for a period of ten years at least from the establishment thereof, and should the same cease to be maintained and operated within the true intent and meaning of this By-law for a continuous period of two years, the unearned bonus shall become due and payable to the said Corporation in the manner following, that is to say :—For each and every year which shall yet remain of the said period of ten years after the said cessation of operations for two years the sum of \$2,500 shall be immediately due and payable by the said Company and the said Corporation shall be entitled to rank therefor as creditors upon a winding-up of the said Company.

Provided always, however, that no such debentures shall be issued or sold nor shall any money be paid hereunder until after the said company shall have erected a beet root sugar factory with necessary plant and machinery at a cost of not less than \$500,000 nor until the lands upon which the said factory shall have been erected shall have been by proper authority annexed to the Corporation of the Town of Berlin nor until this By-law shall have been validated and declared legal, valid and binding upon the said corporation by Act of the Legislative Assembly of Ontario.

(3) That the property and assets of the said company shall be exempt from municipal taxation, except as to school tax, for a period of ten years from the date of the erection of the said factory, and during the said ten years all the said property and assets of the said company in the said corporation shall be assessed for the purpose of school taxation at the sum of \$100,000 and no more, and such assessment shall not be increased on account of any subsequent addition to the plant or otherwise.

(4) The said sum of \$1,263.10 required as aforesaid to be raised, levied and collected in each year during the said period of forty years shall be so raised, levied and collected in each year by a special rate sufficient therefor on all the ratable property within the Municipality of the said Town of Berlin not by by-law exempt from the said rate.

(5) This by-law shall take effect upon, from and after the second day of December, 1901.

(6) That the vote of the qualified electors of the said Town of Berlin shall be taken on this by-law by ballot pursuant to "The Municipal Act," on Tuesday, the Twelfth day of November, 1901, from the hour of nine o'clock in the forenoon until the hour of five o'clock in the afternoon of the same day, and at the places and by the Deputy Returning Officers hereinunder specified, that is to say :

For the North Ward (polling subdivisions Nos. 1 and 3 united), at August Schmiedel's grocery ; Deputy Returning Officer, Frederick Knell, jr.

For the Centre Ward (polling subdivisions 2 and 4 united), at Canadian Block ; George Baltzer, Deputy Returning Officer.

For the East Ward (polling subdivisions 5, 6 and 7 united, at the Council Chamber in the Market Building ; Mr Henry Aletter, Deputy Returning Officer.

For the South Ward (Polling Subdivisions Nos. 8, 9 and 10 united), at Henry Sippel's shop on the South side of King street, Mr. Charles A. Ahrens, Jr., Deputy Returning Officer.

For the West Ward (Polling Subdivisions Nos. 11 and 12 united), at M. Erb & Co.'s wareroom, Mr. J. K. Master, Deputy Returning Officer.

(7) That the Clerk of this Council shall sum up the number of votes given for and against this By-law at the Council Chamber on the 13th day of November, 1901, at the hour of eleven o'clock in the forenoon.

(8) That the Mayor of the said Town shall attend at the said Council Chamber on the eleventh day of November, 1901, at the hour of eight o'clock in the evening to appoint persons to attend at the various polling places and at the final summing up of the votes by the said Clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this By-law respectively.

Finally passed after the assent of the ratepayers at the Councils Chamber at the Town of Berlin this second day of December, 1901.

G. H. BOWLBY,
Mayor.

H ALETTER,
Clerk.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL

An Act respecting the Town of Berlin and
The Ontario Sugar Company, Limited.

First Reading, , 1902

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Municipal Amendment Act, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Act* is amended by adding thereto the following as section 18a:—

Rev. Stat.,
c. 223, s. 18,
amended.

18a. The corporation of any town or incorporated village in which are situated lands wholly used for farming purposes may enter into special agreements with the owners of such lands as to the rate of taxation to which the same shall be subject for any period not exceeding five years at a time, and may pass by-laws to give effect to such agreements, but no such by-law nor any agreement provided for thereby shall take effect or be valid or binding unless approved by a vote of not less than two-thirds of the council of the town or village as the case may be.

Agreements
with owners of
farm lands in
towns and vil-
lages as to rate
of taxation.

2. Section 80 of *The Municipal Act* is amended by inserting therein, after the word "trustee" in the eighth line, the words "and no member of a school board for which rates are levied," but this amendment shall not apply so as to disqualify any person elected prior to the passing of this Act.

Rev. Stat.,
c. 223, s. 80,
amended.

3. Section 117 of *The Municipal Act* is amended by inserting therein after the word "be" in the third line thereof the words "whenever he shall think proper or."

Rev. Stat.,
c. 223, s. 117,
amended.

4. Section 313 of *The Municipal Act* is amended by adding thereto the following subsection:—

Rev. Stat.,
c. 223, s. 313,
amended.

(2) Whenever by this Act any oath or affirmation or declaration is required to be taken or made by a deputy returning officer, and no special provision is made therefor, the same may be taken or made before the returning officer for the ward or municipality or before the poll clerk or before any Justice of the Peace having jurisdiction in the municipality; and the deputy returning officer or any Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

Administra-
tion of oaths
to deputy
returning
officers and
poll clerks.

Rev. Stat.
c. 223, s. 534,
amended.

5. Section 534 of the said Act is amended by adding thereto the following:—

By councils of cities or towns:—

Taking site for
drill shed or
armoury.

(4) For entering upon, taking and acquiring so much land in the municipality as may be required for the purposes of a drill shed or armoury for any militia or volunteer force having their headquarters at the municipality, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of this Act, or for acquiring by purchase, with the consent of the owners thereof, such lands for the purposes aforesaid, and for issuing debentures of the corporation for the amount sufficient to pay such compensation, or purchase money, and any debt incurred under such by-law shall be payable in thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this sub-section. 5 10 15

Rev. Stat.
c. 223, s. 583,
amended.

6. Section 583 of the said Act is amended by inserting therein immediately after the paragraph numbered 26 the following:— 20

By the councils of towns and of cities having less than 100,000 inhabitants, and by the board of commissioners of police in cities having 100,000 inhabitants or more:—

By-laws re-
specting elec-
trical workers.

26a. For examining, licensing and regulating electrical workers. 25

By the councils of cities and towns:—

26b. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 26a.

62 V. (2) c. 26,
s. 41, amended.

7. Section 666 of *The Municipal Act* as amended by section 41 of *The Municipal Amendment Act, 1899*, is amended by striking out the words "adjoins and who" after the word "property" in the first line of the said amendment. 30

62 V. (2) c. 26,
s. 46 repealed.

8. Section 46 of *The Municipal Amendment Act, 1899*, is repealed and the following substituted therefor:—

Ferries.

46. The council of any township, town or village may pass by-laws for the construction, purchase, or leasing of such ferries as may be required to be used on or over any navigable water separating a part of such municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining such ferries or any one or more of them. 35 40

Rev. Stat.
c. 223 s. 484,
par. 4a,
amended.

9. Paragraph 4a of section 484 of *The Municipal Act* as amended by section 20 of *The Municipal Amendment Act, 1900*, is amended by inserting after the word "town" in the second line the words "or village." 45

10. Sub-section 4 of section 384, and sub-section 1 of section 386 of *The Municipal Act* (as amended by section 15 of *The Municipal Amendment Act, 1898*) are amended by striking out in each of them the words "in towns having a population 5 of 5,000 or under."

Rev. Stat.
c. 223, s. 384,
subs. 4 and
s. 386, subs. 1,
amended.

11. Clause 4 of section 566 of the said Act, as amended by section 35 of *The Municipal Amendment Act, 1899*, and by section 29 of *The Municipal Amendment Act, 1900*, is further amended by striking out all the words after the words "five 10 years" in the fifth line thereof down to and including the words "latest census" in the eleventh line.

Rev. Stat.
c. 223, s. 566,
cl. 4,
amended.

12. Sub-section 1 of section 567 of the said Act is repealed, and the second sub-section thereof is amended by striking out the word "such," and by inserting after the word 15 "town" in the first line the words "having a population of 5,000 or less, as ascertained by the latest census of Canada," and the third sub-section thereof is amended by striking out the words "such town" in the first and second lines, and the word "town" in the third line, and substituting in each place 20 the words "city, town or village."

Rev. Stat.
c. 223, 567,
subs. 1,
repealed,
subs. 2,
amended.

13. Sub section 5 of section 569 of the said Act is amended by substituting the words "town or village" for the words "or town" in the nineteenth line thereof, and also in the twenty-ninth line thereof.

Rev. Stat.
c. 223, s. 569,
subs. 5,
amended.

14. No by-law of any city, town or village heretofore passed creating or intending to create a debt for the erection, purchase, improvement or extension of gas, electric light or water works, and which has received the assent of the electors, or if 30 for improvements or extensions has been approved by the Lieutenant-Governor in Council shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed by the said by-law for the repayment of the debt thereby created exceeds twenty years, provided such period does not exceed thirty years, and to remove doubts it is 35 hereby declared that the proviso of sub-section 5 of section 569 has, since the passage of *The Municipal Amendment Act, 1899*, applied to and included, and shall continue to apply to and include, villages as well as cities and towns.

By-laws re-
specting elec-
tric light or
water works
validated.

15. Section 542 of *The Municipal Act* is amended by adding thereto the following as subsection 17e:

Rev. Stat.
c. 223, s. 542,
amended.

17e. For regulating the keeping and storing of gasoline, for prescribing the materials of which vessels containing the same shall be composed and the classes of buildings in which the same may be stored and kept for sale, and for the prevention 45 of accidents from the combustion or explosion of gasoline.

Keeping and
storing of
gasoline.

Rev. Stat.
c. 223, s. 606,
subs. 3,
amended.

16. Sub-section 3 of section 606 of *The Municipal Act* is amended by inserting after the word "mayor" in the fourth line of the said sub-section the word "warden" and by inserting after the word "township" in the seventh line of the said sub-section the words "or a county."

5

Rev. Stat.
c. 223, s. 637,
amended.

17.—Section 637 of the said Act is amended by adding thereto the following paragraphs after the paragraph number 10 in the said section.

Contracts for
purchase or
rental of
road making
machinery.

10a. For contracting for the purchase, conditionally or otherwise, or for the rental for a term of years or otherwise, of road making machinery and appliances for public uses within the municipality, and such contract may provide that payment for such roadmaking machinery and appliances may be made in instalments extending over a period not exceeding five years.

15

Issuing de-
bentures for
price.

10b. For issuing debentures payable in not more than five years from the date of issue and for applying the proceeds of such debentures to paying for such road-making machinery and appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law.

20

Rev. Stat.
c. 223, s. 539,
amended.

18. Section 539 of *The Municipal Act* is amended by striking out the words added at the end of the said section by section 18 of *The Municipal Amendment Act 1901*, and inserting the said words at the end of the paragraph numbered 2 in the said section 539.

25

Rev. Stat.
c. 223, s. 557,
repealed.

19. Section 22 of *The Municipal Amendment Act 1901*, amending section 557 of *The Municipal Act* is repealed.

Rev. Stat.
c. 223 s. 577,
amended.

20. Section 577 of *The Municipal Act* is amended by adding the following subsection thereto:

Grants to
cemeteries.

3. For making annual or other grants of money to the owners or trustees of cemeteries situated within the municipality or any other municipality.

Rev. Stat.,
c. 223,
amended.

21. *The Municipal Act* is amended by adding after section 18, as enacted by section 2 of *The Municipal Amendment Act, 1901*, the following section:

35

Reducing area
of town or
village in un-
organized
territory.

18b.—(1) "Upon the application of the council of any town or incorporated village in the districts where there is no county organization, or upon the application of such number of owners of any lands in any such town or village as shall represent at least one half the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village, the Lieutenant-Governor in Council may, but subject to arbitration as hereinafter mentioned, reduce the area of such town or village and may exclude and detach such lands or any portion thereof or any lands situate

45

outside the new limits to be defined by such arbitration, **Award.**
from the said town or village, and annex the same to some
adjoining municipality.

- (2) Provided that such reduction of area and detachment or
5 separation of lands where the council of the town or village
or of the municipality to which it is proposed to annex such
lands as the case may be, opposes the same, then and in that
event the matters in difference shall be submitted to, and be
subject to the award of the arbitrators to be appointed under
10 subsection 4 of this section, who, by their award may confirm,
modify or vary or entirely reject the proposed reduction of
area and detachment or separation of land, and in the event
of entire rejection by the award of the said arbitrators no
further proceedings shall be taken for a period of two years.
- (3) In the event of the proposed reduction of area and de- **Settling terms**
15 tachment and separation of lands not being entirely rejected
by the arbitrators but by their decision taking effect in whole
or in part, and in default of agreement between the munici-
palities interested, the arbitrators shall in their award deter-
20 mine the terms and conditions of said separation and the
adjustment of assets and liabilities with respect to the lands
so separated between the municipal corporation of such town
or village and the municipality to which such lands shall be
annexed, and who shall award the amount to be paid to the
25 town or village from which such lands have been taken by
the municipality to which they have been annexed and the
amounts to be received by such last mentioned municipality
from the town or village, together with such other terms and
conditions as the said arbitrators may impose.
- (4)—(a). One of the said arbitrators shall be appointed by **Appointment**
30 the Lieutenant-Governor in Council; another shall be named
by the council of the said town or village and the third arbi-
trator shall be appointed by the council of the municipality to
which it is proposed to annex such lands. **of arbitrators.**
- (b) In case the council of such town or village or munici-
35 pality, fails to appoint an arbitrator within six weeks after
service of notice from the other municipality inter-
ested naming the arbitrator, or in case an arbitrator
appointed by any such council, refuses to act, then in any or
40 all of such cases, arbitrators to take their place shall be ap-
pointed by the Lieutenant-Governor in Council.
- (c) In case of the death or incapacity of any such arbitrator
occurring after his appointment, another arbitrator shall be
appointed in his place by the same authority which appointed
45 the arbitrator so dying or becoming incapacitated, and the
provisions of clause (b) as to appointments by the Lieutenant-
Governor in Council shall apply to the appointments to be
made under this clause, where any council fails to appoint a
new arbitrator within two weeks from the date of the death
50 or incapacity of its arbitrator so dying or becoming incapaci-
tated.

Fees of
labor.

(d) The award of the said arbitrators, or a majority of them shall be binding and final.

(5) The fees of the arbitrators, including the cost of the award shall not in any case exceed \$75 and shall be paid by the town or village municipality from which said lands are detached and the municipality to which said lands are annexed in equal shares. 5

Payment
of proportion
of debt.

(6) After the separation of such lands from the town or village, the municipality to which the same shall be annexed, shall pay to the town or village from which such lands have been taken, such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration, and shall be entitled to receive from and be paid by the said town or village, the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided 15

New limits
to be defined.

(7) The application for separation of lands from such town or village under this section shall be by petition to the Lieutenant-Governor in Council and same shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not, by such change of boundaries, be reduced in population below the number of seven hundred and fifty souls. 20

Municipal
privileges of
town or village
not affected.

(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof. 25

Rev. Stat.
c. 223, s. 95,
amended.

22. Section 119 of *The Municipal Act* is amended by adding thereto the following sub-section :—

Date of
nomination
in cities of
over 100,000.

119a. In cities having a population of 100,000 inhabitants, or more the council thereof may by by-law to be passed not later than the 15th November in any year enact that the meeting of electors for the nomination of candidates for the offices of mayor and aldermen shall be held on the Monday preceding the last Monday in December, and that the meeting of electors for the nomination of public school trustees shall be held on the last Monday in December. 30 35

Rev. Stat.
c. 223, s. 632,
subs. 4,
amended.

23. Sub-section 4 of section 632 of the said Act is amended by striking out the words "A township or village" in the first line, and inserting the words "any municipality" in lieu thereof. 40

1 Ed. VII, c.
26, s. 29
amended.
Initiation
notice

24. Section 669 of *The Municipal Act* as amended by section 29 of *The Municipal Amendment Act, 1901*, is amended by striking out the words "and occupants" in the fourth line of the said amendment.

Rev. Stat. c.
223, s. 583, ss. 6
amended.

25. Sub-section 6 of section 583 of the said Act is amended by inserting after the word "force" in the second line thereof the following words "and for preventing the posting up or 45

distributing in the said municipality of posters, pictures or hand bills which shall, in the opinion of the Police Commissioners, the Chief of Police, the Deputy Chief of Police, or any officer specially detailed for that purpose by the Police Commissioners, be indecent."

Prevented in-decent posters.

26. Subsection 1 of section 128 of the said Act is amended by adding at the end thereof the words "and be filed with the returning officer or the chairman within one hour from the time of opening of the meeting."

Rev. Stat. c. 223, s. 128, subs. 1, amended.

27. Sub-section 5 of section 574 of the said Act enacted by section 19 of *The Municipal Amendment Act, 1898*, is amended by striking out the words "of over 100,000 inhabitants" and by inserting after the word "city" in the second line the words "or town."

Rev. Stat. c. 223, s. 574, subs. 5, amended.

28. Section 677 of the said Act is amended by adding the following as sub-section 2:—

Rev. Stat., c. 223, s. 677, amended.

(2) For the purposes of this section in any city, town or village in which a by-law is in force providing for payment from the general funds of the municipality of not less than forty per cent. of the cost of such sidewalks, such sidewalks may, in addition to the materials mentioned in this section, be constructed of cement or brick.

Permanent sidewalks in villages.

29. Section 551 of *The Municipal Act* is amended by adding thereto the following subsections:

Rev. Stat., c. 223, s. 551, amended.

4a. For directing and regulating the payment by the owners, lessees or occupants of real property of the expense of cleaning and disposing of the contents of earth closets, privies and privy vaults, and of adding such expense to the collectors' bill, and collecting the same in like manner and with other municipal taxes.

Cleaning earth closets, etc.

4b. A municipality may undertake the work in the last subsection referred to, as a municipal service, and in such event the said work shall be done exclusively by the officers and workmen employed by such municipality, in such service, and the municipality, its officers and workmen shall, in such case, have all the powers and authorities conferred upon the local board of health and its officers and workmen.

4c. A municipality may provide by the same or any other by-law, for the collection in any other manner than by adding expense to the collector's roll for extra or other services set forth in such by-law or referred to in subsection 4a, or may collect for such services by action at law.

4d. A municipality or its officers may contract or agree with owners, lessees or occupants for the payment for services hereinbefore referred to, and in default of payment may collect the amounts from time to time due under such contract

by action at law or by adding the said amounts to the collector's roll and collecting the same with other municipal taxes.

Rev. Stat.
c. 223, s. 552,
amended.

30. Section 552 of the said Act is amended by adding thereto the following subsections:

Public scavenging system—establishment of.

(2) By-laws may be passed by the councils of cities and towns for any of the purposes mentioned in section 551 as amended hereby and for establishing, maintaining and regulating a system of public scavenging or system for the collection and disposal of ashes, refuse and garbage within the municipality and for such purposes may, subject to the approval of the Provincial Board or Health, acquire by purchase or otherwise or enter upon and take with or without the consent of the owners thereof such land as may be necessary therefor and may erect thereon such buildings, plant and machinery as may be required, and may for the said purposes acquire such further plant, machinery, tools and material as the council may deem necessary; but where the amount required for acquiring the land and erecting and placing the necessary buildings, plant and machinery thereon exceeds the sum of \$2,000 the by-law shall require the assent of the ratepayers of the municipality before the final passing thereof.

(3) In case the council of the said corporation and the owner of any land taken or injuriously affected thereby under this section fail to agree as to the amount of the compensation to be paid to such owner, the same shall be determined by arbitration in the manner provided by *The Municipal Act*.

(4) The municipal corporation of such city or town for the purpose of providing the money for the acquisition of the necessary lands, buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for such sum as the council of the said corporation may deem expedient which said debentures shall be made payable not more than ten years from the day on which they shall respectively bear date. shall bear interest at a rate not exceeding 4 per cent. per annum, payable half-yearly, shall be signed by the mayor and the treasurer of the said city or town for the time being, and may be made payable either in sterling money of Great Britain or in currency in Canada, in this Province or elsewhere, as the said corporation may deem expedient.

(5) For the payment of the debt and interest represented by the said debentures to be issued under the authority of subsection 4 of this section, there shall be annually raised, levied and collected by the corporation during the currency of the said debentures, a sum sufficient to discharge the said debt and interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the ratable or assessable property of the said corporation, according to the then last revised assessment roll thereof.

(6) In lieu of establishing a system of public scavenging as provided in subsection 2 of this section, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city or town upon such terms and subject to such conditions, rules and regulations as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

(7) The council of the corporation of the city or town may from time to time pass by-laws dividing the said city or town into certain areas, districts or sections within which all ashes, refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein, according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all ashes, refuse and garbage therein.

(8) No land within the said city or town shall be exempt from liability for assessment under subsection 7, but all land within the said city or town, no matter by whom owned or how or for what purpose or by whom used or occupied, shall be liable to assessment thereunder anything in any special or general Act or in any by-law to the contrary notwithstanding.

31. Section 70 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.
c. 223, s. 70,
repealed.

70. Subject to the provisions of section 71a of this Act, the council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward, to be elected in accordance with the provisions of this Act, provided always that the council of any city may on or before the first day of November in any year pass a by-law reducing the number of aldermen for each ward to two, and at the next municipal election and thereafter two aldermen shall be elected for each ward; but such by-law before the final passing thereof shall receive the assent of the electors of the municipality qualified to vote at municipal elections.

Constitution
of councils in
cities, reduc-
ing number of
aldermen.

32. *The Municipal Act* is amended by adding thereto the following as section 714a:

Rev. Stat.,
c. 223,
amended.

714a. On the petition of two-thirds of the ratepayers of a police village, and of the majority of the ratepayers in the territory proposed to be added, the council or councils of the county or counties in which the police village is situate, may by by-law enlarge the limits of the police village by adding adjoining lands thereto, and thereafter such adjoining lands so added shall form part of the police village.

Adding ter-
ritory to
police village.

33. Section 741 of *The Municipal Act* is amended by adding thereto the following words: "And may pass by-laws for entering into contracts for the supply of light or heat by

Rev. Stat.
c. 223, s. 741,
amended.

any person or company to the police village or the residents therein," and doing all things necessary for such purposes within the limits of the police village.

By-laws
exempting
manufactur-
ers, etc.

34. Notwithstanding the provisions of section 11 of the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, and chaptered 33, every municipal council shall, by a two-thirds vote of the members thereof, have the power by by-law in that behalf to extend to the 31st December, 1903, but no longer the operation of any by-law now in force which provides for exempting any manufacturing establishment or any building for the storage of ice for commercial purposes or any water works or water company in whole or in part from taxation, except as to school taxes, and any municipal council may give like exemptions to the same date by a two-thirds vote of the members thereof.

Rev. Stat.
c. 223, s. 673,
ss. 2, amended.

35 Subsection 2 of section 673 of the said Act is amended by inserting after the word "is" in the third line of such subsection the following words, "proposed to be or is," and by inserting between the word "sewer" and the word "has" in the said line, the words "is proposed to be or".

Rev. Stat. c.
223, amended.

36. *The Municipal Act* is hereby amended by inserting the following section after section 566 :

By-laws re-
specting the
transmission
of electricity
over streets of
municipality.

566a. By-laws may be passed by the municipal councils of cities, towns, incorporated villages and townships for the following purposes, that is to say :

(a) For authorizing any person, firm or incorporated company supplying electricity for power, lighting or heating, to lay down pipes or conduits enclosing wires for the transmission of electricity under streets or public squares, or to carry wires for the transmission of electricity across or along any streets or public squares, or to erect poles in streets and public squares where necessary to support such wires, subject to such regulations as the council sees fit to impose.

Transmittin
steam over
streets of
municipality.

(b) For authorizing any person, firm or incorporated company supplying steam for heat or power to lay down pipes or conduits for transmitting steam under streets or public squares, subject to such regulations as the council sees fit to impose.

(c) Provided that nothing contained in this section or in any by-law passed in exercise of the powers hereby conferred shall be taken or deemed to authorize the council of any municipality or any person to do any Act or to enter into any contract directly or indirectly in contravention of subsection 4 of section 566 of this Act and the clauses

lettered *a* to *a9* appended thereto as enacted by section 35 of *The Municipal Amendment Act, 1899*, and the amendments thereto, or in contravention or violation of the true intent and meaning of any contract heretofore or hereafter entered into by any municipal corporation.

5

37. Clause *e* in paragraph number 12 of section 591 of *The Rev. Stat., Municipal Act* as amended by section 9 of *The Municipal c. 223, s. 591, Amendment Act, 1900*, is repealed and the following substituted therefor:—
par. 12, cl. *e*, repealed.

10

(*e*) No by-law shall be passed by the council of any municipality for granting a bonus to any industry already established elsewhere in the Province, or which has been removed to such municipality from another municipality in the Province, whether such industry is to be carried on by the same proprietor as in the locality from which it has been or is to be removed or is to be carried on by some other person deriving title or claiming through or under such proprietor or otherwise or by such proprietor in partnership with other persons or by a joint stock company or otherwise.

15

20

Bonus not to be granted to industry already established elsewhere in the Province.

No. 211.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

The Municipal Amendment Act 1902.

First Reading, 10th March, 1902.

Mr. DAVIS.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Municipal Amendment Act, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) *The Municipal Act* is amended by adding thereto the following as section 18a:

Rev. Stat.
c. 223, s. 18,
amended

18a. The corporation of any town or incorporated village in which are situated lands wholly used for farming purposes may enter into special agreements with the owners of such lands as to the rate of taxation to which the same shall be subject for any period not exceeding five years at a time, and may pass by-laws to give effect to such agreements, but no such by-law nor any agreement provided for thereby shall take effect or be valid or binding unless approved by a vote of not less than two-thirds of the council of the town or village as the case may be.

Agreements
with owners of
farm lands in
towns and vil-
lages as to rate
of taxation.

(2) ~~Sub~~ Subsection 7 of section 18 of said Act is amended by striking out the words "nor in limits or area below the proportionate limits prescribed by this Act," at the end of the said sub-section.

2. Section 80 of *The Municipal Act* is amended by inserting therein, after the word "trustee" in the eighth line, the words "and no member of a school board for which rates are levied," but this amendment shall not apply so as to disqualify any person elected prior to the passing of this Act.

Rev. Stat.
c. 223, s. 80,
amended.

3. Section 117 of *The Municipal Act* is amended by inserting therein after the word "be" in the third line thereof the words "whenever he shall think proper or."

Rev. Stat.
c. 223, s. 117,
amended.

4. Section 313 of *The Municipal Act* is amended by adding thereto the following subsection:—

Rev. Stat.
c. 223, s. 313,
amended.

(2) Whenever by this Act any oath or affirmation or declaration is required to be taken or made by a deputy returning officer, and no special provision is made therefor, the same may be taken or made before the returning officer for the ward or municipality or before the poll clerk or before any Justice of the Peace having jurisdiction in the munici-

Administra-
tion of oaths
to deputy
returning
officers and
poll clerks.

pality; and the deputy returning officer or any Justice of the Peace may administer any oath or affirmation or declaration required to be made by a poll clerk under the provisions of this Act.

Rev. Stat.
c. 223, s. 534,
amended.

5. Section 534 of the said Act is amended by adding thereto the following:—

By councils of cities or towns:—

Taking site for
drill shed or
armoury.

(4) For entering upon, taking and acquiring so much land in the municipality as may be required for the purposes of a drill shed or armoury for any militia or volunteer force having their headquarters at the municipality, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of this Act, or for acquiring by purchase, with the consent of the owners thereof, such lands for the purposes aforesaid, and for issuing debentures of the corporation for the amount sufficient to pay such compensation, or purchase money, and any debt incurred under such by-law shall be payable *within* thirty years from the date of the issue of the debentures, and it shall not be necessary to obtain the consent of the electors to any by-law passed under this sub-section,⁴³ but a two thirds vote of the council shall be required. ⁴²

Rev. Stat.
c. 223, s. 583,
amended.

6. Section 583 of the said Act is amended by inserting therein immediately after the paragraph numbered 26 the following:—

By the councils of towns and of cities having less than 100,000 inhabitants, and by the board of commissioners of police in cities having 100,000 inhabitants or more:—

By laws re-
specting elec-
trical workers.

26a. For examining, licensing and regulating electrical workers.

By the councils of cities and towns:—

26b. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause 26a.

62 V. (2) c. 26,
s. 41, amended.

7. Section 666 of *The Municipal Act* as amended by section 41 of *The Municipal Amendment Act, 1899*, is amended by striking out the words "adjoins and who" after the word "property" in the first line of the said amendment.

62 V. (2) c. 26,
s. 46 repealed.

8. Section 46 of *The Municipal Amendment Act, 1899*, is repealed and the following substituted therefor:—

Ferries.

46. The council of any township, town or village may pass by-laws for the construction, purchase, or leasing of such ferries as may be required to be used on or over any navigable water separating a part of such municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining such ferries or any one or more of them.

9. Paragraph 4a of section 484 of *The Municipal Act* as amended by section 20 of *The Municipal Amendment Act, 1900*, is amended by inserting after the word "town" in the second line the words "or village." Rev. Stat. c. 223, s. 484, par. 4a, amended.

10. Sub-section 4 of section 384, and sub-section 1 of section 386 of *The Municipal Act* (as amended by section 15 of *The Municipal Amendment Act, 1898*) are amended by striking out in each of them the words "in towns having a population of 5,000 or under." Rev. Stat. c. 223, s. 384, subs. 4 and s. 386, subs. 1, amended.

11. Clause 4 of section 566 of the said Act, as amended by section 35 of *The Municipal Amendment Act, 1899*, and by section 29 of *The Municipal Amendment Act, 1900*, is further amended by striking out all the words after the words "five years" in the fifth line thereof down to and including the words "latest census" in the eleventh line. Rev. Stat. c. 223, s. 566, cl. 4, amended.

12. Sub-section 1 of section 567 of the said Act is repealed, and the second sub-section thereof is amended by striking out the word "such," and by inserting after the word "town" in the first line the words "having a population of 5,000 or less, as ascertained by the latest census of Canada," and the third sub-section thereof is amended by striking out the words "such town" in the first and second lines, and the word "town" in the third line, and substituting in each place the words "city, town or village." Rev. Stat. c. 223, s. 567, subs. 1, repealed, subs. 2, amended.

13. Sub-section 5 of section 569 of the said Act is amended by substituting the words "town or village" for the words "or town" in the nineteenth line thereof, and also in the twenty-ninth line thereof. Rev. Stat. c. 223, s. 569, subs. 5, amended.

14. No by-law of any city, town or village heretofore passed creating or intending to create a debt for the erection, purchase, improvement or extension of gas, electric light or water works, and which has received the assent of the electors, or if for improvements or extensions has been approved by the Lieutenant-Governor in Council shall be quashed or shall be deemed to be invalid or illegal by reason only that the period fixed by the said by-law for the repayment of the debt thereby created exceeds twenty years, provided such period does not exceed thirty years, and to remove doubts it is hereby declared that the proviso of sub-section 5 of section 569 has, since the passage of *The Municipal Amendment Act, 1899*, applied to and included, and shall continue to apply to and include, villages as well as cities and towns. By-laws respecting electric light or water works validated.

15. Section 542 of *The Municipal Act* is amended by adding thereto the following as subsection 17e: Rev. Stat. c. 223, s. 542, amended.

17e. For regulating the keeping and storing of gasoline, for prescribing the materials of which vessels containing the same Keeping and storing of gasoline.

shall be composed and the classes of buildings in which the same may be stored and kept for sale, and for the prevention of accidents from the combustion or explosion of gasoline.

Rev. Stat.
c. 223, s. 606,
subs. 3,
amended.

16. Sub-section 3 of section 606 of *The Municipal Act* is amended by inserting after the word "mayor" in the fourth line of the said sub-section the word "warden" and by inserting after the word "township" in the seventh line of the said sub-section the words "or a county."

Rev. Stat.
c. 223, s. 637,
amended

17.—Section 637 of the said Act is amended by adding thereto the following paragraphs after the paragraph number 10 in the said section.

Contracts for
purchase or
rental of
road making
machinery.

10a. For contracting for the purchase, conditionally or otherwise, or for the rental for a term of years or otherwise, of road making machinery and appliances for public uses within the municipality, and such contract may provide that payment for such roadmaking machinery and appliances may be made in instalments extending over a period not exceeding five years.

Issuing de-
bentures for
price.

10b. For issuing debentures payable in not more than five years from the date of issue and for applying the proceeds of such debentures to paying for such road-making machinery and appliances, and it shall not be necessary to obtain the assent of the electors to any such by-law.

Rev. Stat.
c. 223, s. 539,
amended.

18. Section 539 of *The Municipal Act* is amended by striking out the words added at the end of the said section by section 18 of *The Municipal Amendment Act 1901*, and inserting the said words at the end of the paragraph numbered 2 in the said section 539.

Rev. Stat.
c. 223, s. 557,
repealed.

19. Section 22 of *The Municipal Amendment Act 1901*, amending section 557 of *The Municipal Act* is repealed.

Rev. Stat.
c. 223 s. 577,
amended.

20. Section 577 of *The Municipal Act* is amended by adding the following subsection thereto:

Grants to
cemeteries.

3. For making annual or other grants of money to the owners or trustees of cemeteries situated within the municipality or any other municipality.

Rev. Stat.,
c. 223,
amended.

21 *The Municipal Act* is amended by adding after section 18, as enacted by section 2 of *The Municipal Amendment Act, 1901*, the following section:

Reducing area
of town or
village in un-
organized
territory.

18b.—(1) "Upon the application of the council of any town or incorporated village in the districts where there is no county organization, or upon the application of such number of owners of any lands in any such town or village as shall represent at least one half the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village, the Lieutenant-Governor in Council

may, but subject to arbitration as hereinafter mentioned, reduce the area of such town or village and may exclude and detach such lands or any portion thereof or any lands situate outside the new limits to be defined by such arbitration, **Award.** from the said town or village, and annex the same to some adjoining municipality.

(2) Provided that such reduction of area and detachment or separation of lands where the council of the town or village or of the municipality to which it is proposed to annex such lands as the case may be, opposes the same, then and in that event the matters in difference shall be submitted to, and be subject to the award of the arbitrators to be appointed under subsection 4 of this section, who, by their award may confirm, modify or vary or entirely reject the proposed reduction of area and detachment or separation of land, and in the event of entire rejection by the award of the said arbitrators no further proceedings shall be taken for a period of two years.

(3) In the event of the proposed reduction of area and detachment and separation of lands not being entirely rejected by the arbitrators but by their decision taking effect in whole or in part, and in default of agreement between the municipalities interested, the arbitrators shall in their award determine the terms and conditions of said separation and the adjustment of assets and liabilities with respect to the lands so separated between the municipal corporation of such town or village and the municipality to which such lands shall be annexed, and who shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed and the amounts to be received by such last mentioned municipality from the town or village, together with such other terms and conditions as the said arbitrators may impose. **Settling terms of separation.**

(4)—(a). One of the said arbitrators shall be appointed by the Lieutenant-Governor in Council; another shall be named by the council of the said town or village and the third arbitrator shall be appointed by the council of the municipality to which it is proposed to annex such lands. **Appointment of arbitrators.**

(b) In case the council of such town or village or municipality, fails to appoint an arbitrator within six weeks after service of notice from the other municipality interested naming the arbitrator, or in case an arbitrator appointed by any such council, refuses to act, then in any or all of such cases, arbitrators to take their place shall be appointed by the Lieutenant-Governor in Council.

(c) In case of the death or incapacity of any such arbitrator occurring after his appointment, another arbitrator shall be appointed in his place by the same authority which appointed the arbitrator so dying or becoming incapacitated, and the provisions of clause (b) as to appointments by the Lieutenant-Governor in Council shall apply to the appointments to be made under this clause, where any council fails to appoint a

new arbitrator within two weeks from the date of the death or incapacity of its arbitrator so dying or becoming incapacitated.

Fees of labor.

(d) The award of the said arbitrators, or a majority of them shall be binding and final.

(5) The fees of the arbitrators, including the cost of the award shall not in any case exceed \$75 and shall be paid by the town or village municipality from which said lands are detached and the municipality to which said lands are annexed in equal shares.

Payment of proportion of debt.

(6) After the separation of such lands from the town or village, the municipality to which the same shall be annexed, shall pay to the town or village from which such lands have been taken, such part, if any, of the debts of the town or village as may have been agreed upon or determined by arbitration, and shall be entitled to receive from and be paid by the said town or village, the value of the interest which at the time of such separation the lands so separated had in the property or assets of the town or village as hereinbefore provided

New limits to be defined.

(7) The application for separation of lands from such town or village under this section shall be by petition to the Lieutenant-Governor in Council and same shall define by metes and bounds the new limits intended for such town or village, but the town or village shall not, by such change of boundaries, be reduced in population below the number of seven hundred and fifty souls.

Municipal privileges of town or village not affected.

(8) The municipal privileges and rights of the town or village shall not be thereby diminished or otherwise interfered with as respects the remaining area thereof.

Rev. Stat. c. 223, s. 95, amended.

22. Section 119 of *The Municipal Act* is amended by adding thereto the following sub-section:—

Date of nomination in cities of over 100,000.

119a. In cities having a population of 100,000 inhabitants, or more the council thereof may by by-law to be passed not later than the 15th November in any year, enact that the meeting of electors for the nomination of candidates for the offices of mayor and aldermen shall be held on the Monday preceding the last Monday in December, and that the meeting of electors for the nomination of public school trustees shall be held on the last Monday in December.

Rev. Stat. c. 223, s. 632, subs. 4, amended.

23. Sub-section 4 of section 632 of the said Act is amended by striking out the words "A township or village" in the first line, and inserting the words "any municipality" in lieu thereof.

1 Ed. VII, c. 26, s. 29 amended. Initiation notice.

24. Section 669 of *The Municipal Act* as amended by section 29 of *The Municipal Amendment Act, 1901*, is amended by striking out the words "and occupants" in the fourth line of the said amendment.

25. Sub-section 6 of section 583 of the said Act is amended by inserting after the word "force" in the second line thereof the following words "and for preventing the posting up or distributing in the said municipality of posters, pictures or hand bills which shall, in the opinion of the Police Commissioners, the Chief of Police, the Deputy Chief of Police, or any officer specially detailed for that purpose by the Police Commissioners, be indecent."

Rev. Stat. c. 223, s. 583, ss. 6 amended.

Prevented indecent posters.

26. Subsection 1 of section 128 of the said Act is amended by adding at the end thereof the words "and be filed with the returning officer or the chairman within one hour from the time of opening of the meeting."

Rev. Stat. c. 223, s. 128, suba. 1, amended.

27. Sub-section 5 of section 574 of the said Act enacted by section 19 of *The Municipal Amendment Act, 1898*, is amended by striking out the words "of over 100,000 inhabitants" and by inserting after the word "city" in the second line the words "or town."

Rev. Stat. c. 223, s. 574, suba. 5, amended.

28. Section 677 of the said Act is amended by adding the following as sub-section 2:—

Rev. Stat., c. 223, s. 677, amended.

(2) For the purposes of this section in any city, town or village in which a by-law is in force providing for payment from the general funds of the municipality of not less than forty per cent. of the cost of such sidewalks, such sidewalks may, in addition to the materials mentioned in this section, be constructed of cement or brick.

Permanent sidewalks in villages.

29. Section 551 of *The Municipal Act* is amended by adding thereto the following subsections:

Rev. Stat., c. 223, s. 551, amended.

4a. For directing and regulating the payment by the owners, lessees or occupants of real property of the expense of cleaning and disposing of the contents of earth closets, privies and privy vaults, and of adding such expense to the collectors' bill, and collecting the same in like manner and with other municipal taxes.

Cleaning earth closets, etc.

4b. A municipality may undertake the work in the last subsection referred to, as a municipal service, and in such event the said work shall be done exclusively by the officers and workmen employed by such municipality, in such service, and the municipality, its officers and workmen shall, in such case, have all the powers and authorities conferred upon the local board of health and its officers and workmen.

4c. A municipality may provide, by the same or any other by-law, for the collection in any other manner than by adding expense to the collector's roll for extra or other services set forth in such by-law or referred to in subsection 4a, or may collect for such services by action at law.

4d. A municipality or its officers may contract or agree with owners, lessees or occupants for the payment for services hereinbefore referred to, and in default of payment may collect the amounts from time to time due under such contract by action at law or by adding the said amounts to the collector's roll and collecting the same with other municipal taxes.

Rev. Stat.
c. 223, s. 552,
amended.

30. Section 552 of the said Act is amended by adding thereto the following subsections:

Public scavenging system—establishment of.

(2) By-laws may be passed by the councils of cities and towns for any of the purposes mentioned in section 551 as amended hereby and for establishing, maintaining and regulating a system of public scavenging or system for the collection and disposal of ashes, refuse and garbage within the municipality and for such purposes may, subject to the approval of the Provincial Board of Health, acquire by purchase or otherwise or enter upon and take with or without the consent of the owners thereof such land as may be necessary therefor and may erect thereon such buildings, plant and machinery as may be required, and may for the said purposes acquire such further plant, machinery, tools and material as the council may deem necessary; but where the amount required for acquiring the land and erecting and placing the necessary buildings, plant and machinery thereon exceeds the sum of \$2,000 the by-law shall require the assent of the ratepayers of the municipality before the final passing thereof.

(3) In case the council of the said corporation and the owner of any land taken or injuriously affected thereby under this section fail to agree as to the amount of the compensation to be paid to such owner, the same shall be determined by arbitration in the manner provided by *The Municipal Act*.

(4) The municipal corporation of such city or town for the purpose of providing the money for the acquisition of the necessary lands, buildings, plant and machinery, and for the initial establishment of the said system, may from time to time issue debentures of the said corporation for such sum as the council of the said corporation may deem expedient which said debentures shall be made payable not more than ten years from the day on which they shall respectively bear date, shall bear interest at a rate not exceeding 4 per cent. per annum, payable half-yearly, shall be signed by the mayor and the treasurer of the said city or town for the time being, and may be made payable either in sterling money of Great Britain or in currency in Canada, in this Province or elsewhere, as the said corporation may deem expedient.

(5) For the payment of the debt and interest represented by the said debentures to be issued under the authority of subsection 4 of this section, there shall be annually raised, levied and collected by the corporation during the currency of the said debentures, a sum sufficient to discharge the said debt and

interest when the same shall be respectively payable, said sum to be raised by an annual special rate upon the amount of the ratable or assessable property of the said corporation, according to the then last revised assessment roll thereof.

(6) In lieu of establishing a system of public scavenging as provided in subsection 2 of this section, the said corporation may contract with some person, firm or corporation for the removal of all ashes, refuse and garbage within the said city or town upon such terms and subject to such conditions, rules and regulations as the council may deem expedient, and the said council may pass by-laws for regulating the removal of such ashes, refuse and garbage under such contract.

(7) The council of the corporation of the city or town may from time to time pass by-laws dividing the said city or town into certain areas, districts or sections within which all ashes, refuse and garbage shall be collected, removed and disposed of, and may impose a special rate upon the assessed real property therein, according to the assessed value thereof, in order to pay all expenses incurred in collecting, removing and disposing of all ashes, refuse and garbage therein.

(8) No land within the said city or town shall be exempt from liability for assessment under subsection 7, but all land within the said city or town, no matter by whom owned or how or for what purpose or by whom used or occupied shall be liable to assessment thereunder anything in any special or general Act or in any by-law to the contrary notwithstanding.

31. Section 70 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.
c. 223, s. 70,
repealed.

70. Subject to the provisions of section 71*a* of this Act, the council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for each ward, to be elected in accordance with the provisions of this Act, provided always that the council of any city may on or before the first day of November in any year pass a by-law reducing the number of aldermen for each ward to two, and at the next municipal election and thereafter two aldermen shall be elected for each ward; but such by-law before the final passing thereof shall receive the assent of the electors of the municipality qualified to vote at municipal elections. ~~And~~ Provided that this section shall not affect the right of any city to have four aldermen for each ward under the provisions of any special legislation in that behalf.

Constitution
of councils in
cities, reduc-
ing number of
aldermen.

32. *The Municipal Act* is amended by adding thereto the following as section 71*a*:

Rev. Stat.,
c. 223,
amended.

71*a*. On the petition of two-thirds of the ratepayers of a police village, and of the majority of the ratepayers in the territory proposed to be added, the council or councils of the

Adding ter-
ritory to
police village.

county or counties in which the police village is situate, may by by-law enlarge the limits of the police village by adding adjoining lands thereto, and thereafter such adjoining lands so added shall form part of the police village.

Rev. Stat.
c. 223, s. 741,
amended.

33. Section 741 of *The Municipal Act* is amended by adding thereto the following words: "And may pass by-laws for entering into contracts for the supply of light or heat by any person or company to the police village or the residents therein," and doing all things necessary for such purposes within the limits of the police village.

By-laws
exempting
manufactur-
ers, etc.

34. Notwithstanding the provisions of section 11 of the Act passed in the sixty-third year of the reign of Her late Majesty Queen Victoria, and chaptered 33, every municipal council shall, by a two-thirds vote of the members thereof, have the power by by-law in that behalf to extend to the 31st December, 1903, but no longer the operation of any by-law now in force which provides for exempting any manufacturing establishment or any building for the storage of ice for commercial purposes or any water works or water company in whole or in part from taxation, except as to school taxes, and any municipal council may give like exemptions to the same date by a two-thirds vote of the members thereof.

Rev. Stat.
c. 223, s. 673,
ss. 2, amended.

35 Subsection 2 of section 673 of the said Act is amended by inserting after the word "is" in the third line of such subsection the following words, "proposed to be or is," and by inserting between the word "sewer" and the word "has" in the said line, the words "is proposed to be or".

Rev. Stat. c.
223, amended.

36. *The Municipal Act* is hereby amended by inserting the following section after section 566 :

By-laws re-
specting the
transmission
of electricity
over streets of
municipality.

566a. By-laws may be passed by the municipal councils of cities, towns, incorporated villages and townships for the following purposes, that is to say :

(a) For authorizing any person, firm or incorporated company supplying electricity for power, lighting or heating, to lay down pipes or conduits enclosing wires for the transmission of electricity under streets or public squares, or to carry wires for the transmission of electricity across or along any streets or public squares, or to erect poles in streets and public squares where necessary to support such wires, subject to such regulations as the council sees fit to impose.

Transmittin
steam over
streets of
municipality.

(b) For authorizing any person, firm or incorporated company supplying steam for heat or power to lay down pipes or conduits for transmitting steam under streets or public squares, subject to such regulations as the council sees fit to impose.

(c) Provided that nothing contained in this section or in any by-law passed in exercise of the powers hereby conferred shall be taken or deemed to authorize the council of any municipality or any person to do any Act or to enter into any contract directly or indirectly in contravention of subsection 4 of section 566 of this Act and the clauses lettered *a* to *a9* appended thereto as enacted by section 35 of *The Municipal Amendment Act, 1899*, and the amendments thereto, or in contravention or violation of the true intent and meaning of any contract heretofore or hereafter entered into by any municipal corporation.

37. Clause *e* in paragraph number 12 of section 591 of *The Municipal Act* as amended by section 9 of *The Municipal Amendment Act, 1900*, is repealed and the following substituted therefor:—

Rev. Stat.,
c. 223, s. 591,
par. 12, cl. *e*,
repealed.

(e) No by-law shall be passed by the council of any municipality for granting a bonus to any industry already established elsewhere in the Province, or which has been removed to such municipality from another municipality in the Province, whether such industry is to be carried on by the same proprietor as in the locality from which it has been or is to be removed or is to be carried on by some other person deriving title or claiming through or under such proprietor or otherwise or by such proprietor in partnership with other persons or by a joint stock company or otherwise.

Bonus not to
be granted to
industry
already estab-
lished
elsewhere in
the Province.

38. Section 1 of section 24 of *The Municipal Act* is amended by inserting therein after the word "proclamation" in the fifth line of the said subsection the words "to take effect on some day to be named therein or in any further proclamation in amendment thereof."

Rev. Stat.
c. 223, s. 24,
s. 1, amended.

39. Section 162 of *The Municipal Act* is amended by inserting therein the following as subsection (1a):

Rev. Stat.
c. 223, s. 162.

(1a) Any person who votes for aldermen or councillors in a city or town in which the aldermen and councillors are elected by general vote, after having already voted for aldermen or councillors in the city or town at some other polling place at that election, and any person who votes for aldermen in a division of a city in which the aldermen are elected in two electoral districts after having already voted for aldermen in the same division, shall incur a penalty of \$50, to be recovered with full costs of suit by any person who shall sue for the same in a Division Court having jurisdiction where the offence was committed: and any person against whom judgment was rendered shall be ineligible either as a councillor or an elector at the next annual elections.

Penalty for
voting for
alderman or
councillors
more than
once.

5th Session, 9th Legislature,
2 Edward VII, 1902.

BILL.

The Municipal Amendment Act 1902.

First Reading	10th March, 1902.
Second Reading	, 1902.

(Reprinted as amended in Committee of
the Whole House.)

Mr. DAVIS.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

The Assessment Amendment Act, 1902.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 18 of *The Assessment Act*, and sections 18a
5 and 18b of the said Act as enacted by section 2 of the Act
passed in the first year of His Majesty's reign, chaptered 29,
are repealed and the following substituted therefor:—

Rev. Stat.
c. 224, s. 18.
repealed.

18. Except as hereinafter provided for land shall be assessed
in the municipality in which the same lies and in case of cities
10 and towns in the ward in which the property lies and where
any business is carried on by a person in a municipality in
which he does not reside or in two or more municipalities, the
personal property belonging to such person shall be assessed
in the municipality in which such personal property is situated
15 and against the person in possession or charge thereof as well
as against the owner. 55 V. c. 48, s. 15.

Land, where
to be assessed.

(2) The land of companies for supplying water, heat, light
and power to municipalities and the inhabitants thereof, tele-
phone companies, telegraph companies, and companies operating
20 street railways and electric railways shall in municipalities
divided into wards be assessed in the ward where the head
office of such company is situated if such head office is situated
in such municipality, but if the head office of such company is
not in such municipality then the assessment may be in any
25 ward thereof.

Assessment of
lands of water,
heat, light,
power,
telephone,
telegraph,
street railway
and electric
railway
companies.

(3) The rails, ties, poles, wires, gas and other pipes, mains,
conduits, substructures and superstructures upon the streets,
roads, highways, lanes and other public places of the munici-
pality belonging to such companies shall be "land" within
30 the meaning of *The Assessment Act* and shall when and so
long as in actual use be assessed at their actual cash value as
the same would be appraised upon a sale to another company
possessing similar powers, rights and franchises in and from
the municipality and subject to similar conditions and bur-
35 dens, regard being had to all circumstances adversely affecting
their value including the non-user of any of such property,
provided that the plant, poles and wires which are used ex-
clusively in running trains or for any other purposes of a steam
railway and not for commercial purposes shall be as hereto-
40 fore exempt from municipal assessment or taxation.

Super struc-
tures and
sub structures
of such
companies
to be "land."

Proviso. ¶

Rolling stock,
etc., not to be
assessable.

(4) Save as aforesaid rolling stock, plant and appliances of companies mentioned in subsection 2 hereof shall not be "land" within the meaning of *The Assessment Act*, and shall not be assessable.

Bridges over
international
boundary
ines.

(5) In the case of any bridge belonging to or in possession of any person or incorporated company, which crosses any river forming the boundary between the Province of Ontario and any other country or province, which is liable to assessment, the part of such structure within Ontario shall be valued as an integral part of the whole and on the basis of the valuation of the whole, but subject to the provisions and basis of assessment set forth in subsection (3) hereof. Any bridge belonging to or in possession of any person or company between two municipalities in the Province shall also be valued as an integral part of the whole and on the basis of the valuation of the whole.

Pending pro-
ceedings not
affected.

(6) Nothing in this Act contained shall prejudice or affect any action, proceeding or appeal concerning any assessment now pending.

Rev. Stat. c.
224, s. 184,
subsec. 4, re-
pealed.

2. Subsection 4 of section 184 of the said Act is repealed and the following substituted in lieu thereof:—

Mode of sell-
ing for taxes
in York, Scar-
borough and
Etobicoke.

The treasurers of the Townships of York, Scarborough and Etobicoke shall not be obliged to sell for taxes only a portion of any vacant lot originally laid out according to any registered plan, the frontage of which lot liable to be sold for taxes does not exceed fifty feet, but may in all such cases sell the whole of such lot or the whole of that part thereof (as the case may be) in respect to which taxes are in arrears, for the best price that may be offered by the bidders at the sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot or to such other person as may be authorized by law to receive the same less ten per cent. of the sale price and less such charges and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same. And it shall be the duty of the person claiming such balance to produce to the treasurer proof of his or her right to recover the same; provided, however, that in the event of redemption the party redeeming shall pay ten per cent. upon the whole amount realized in respect thereof notwithstanding section 200 of *The Assessment Act*.

No. 212.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

The Assessment Amendment Act, 1902.

First Reading, 10th March, 1902.

Mr. DAVIS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act respecting Wills of Personal Estate.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. This Act may be cited as *The Wills Act of 1902*.

Short title.

5 2. Subsection 1 section 9 of *The Wills Act of Ontario* shall
apply to this Act.

Rev. Stat. c.
128 s. 9, sub-s.
1 to apply.

3. Every will made out of Ontario by a British subject
(whatever may be the domicile of such person at the time of
making the same or at the time of his death) shall as regards
10 personal estate be held to be well executed for the purpose of
being admitted in Ontario to probate, if the same be made
according to the forms required either by the law of the place
where the same was made, or by the law of the place where
such person was domiciled when the same was made or by the
15 laws then in force in that part of His Majesty's Dominions
where he had his domicile of origin.

Will executed
according to
law of domicile
validated.

4. No will shall be held to be revoked or to have become
invalid, nor shall the construction thereof be altered by reason
of any subsequent change of domicile of the person making
20 the same.

Change of
domicile not to
avoid will.

5. Nothing in this Act contained shall invalidate any will
as regards personal estate which would have been valid if this
Act had not been passed, except as such will may be revoked
or altered by any subsequent will made valid by this Act.

Wills not to be
invalidated by
Act.

25 6. This Act shall extend only to wills made by persons who
die after the passing of this Act.

Application to
wills of per-
sons dying
hereafter.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting Wills of Personal Estate.

First Reading, 10th March, 1902.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

An Act respecting aid to Certain Railways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be granted out of the consolidated revenue fund for the construction of the portions of railways hereinafter mentioned, the sum following, that is to say :

- 10 (1) To the Pembroke Southern Railway from the Town of Pembroke to a point in the Township of Ross, not exceeding a distance of 15 miles, a cash subsidy of \$3,000 a mile—\$45,000.
- 15 (2) To the Bay of Quinte Railway (formerly the Kingston, Napanee and Western Railway) for such extensions of branches or additions to its projected and authorized lines of railway northerly of the Village of Tweed and to enable the said company to unite its lines of railway and connect said lines with iron ore deposits or other mineral lands, in renewal and extension of the amount granted to the Kingston, Napanee and Western Railway in the year 1893, a distance not exceeding fifty miles, a cash subsidy of \$3,000 a mile—\$150,000. (Re-vote, \$90,000.)
- 20 (3) To the Irondale, Bancroft and Ottawa Railway Company from Kinmount Junction to Irondale (subject to conditions in *The Act respecting Railways*) a distance of ten miles, and from a point thirty-five miles from Irondale and thence easterly for a distance of ten miles; also from a point at or near Palmer Rapids to the Town of Renfrew, a distance of about fifty miles, in all a distance not exceeding seventy miles, a cash subsidy of \$3,000 a mile—\$210,000. (Re-vote, \$30,000.)
- 25 (4) To a railway from Dinorwic Station, in the District of Algoma, northerly to Lake Minetakie, a distance of fifteen miles, a cash subsidy of \$3,000 a mile—\$45,000.
- 30 (5) To the James Bay Railway Company from a point on the Canada Atlantic Railway near Rose Point to a
- 35

point on the Georgian Bay in the Town of Parry Sound, a distance not exceeding five miles; and from a point on the main line of the James Bay Railway at or near the Town of Parry Sound to a point on the Canadian Pacific Railway at or near Sudbury, a distance not exceeding 90 miles (in all 95 miles) in addition to subsidies previously granted, a cash subsidy of \$1,000 a mile—\$95,000. 5

- (6) To the Thunder Bay, Nepigon and St. Joe Railway from a point thirty miles east of Port Arthur a distance of ten miles a cash subsidy of \$2,000 per mile in addition to 5,000 acres of land per mile—\$20,000. 10
- (7) To the Lindsay, Bobcaygeon and Pontypool Railway from the village of Bobcaygeon to the Town of Lindsay, a distance not exceeding 19 miles, a cash subsidy of \$3,000 a mile—\$57,000. 15
- (8) To the Bruce Mines and Algoma Railway from a point at or near Bruce Mines to a point on the north shore of Lake Huron a distance not exceeding four miles, a cash subsidy of \$3,000 a mile—\$12,000. 20
- (9) To the Nepigon Railway Company from a point at or near Nepigon Station to a point at or near the head of Long Portage a distance not exceeding fourteen miles, a cash subsidy of \$3,000 a mile—\$42,000. 25
- (10) To the Lake Superior, Long Lake and Albany River Railway from a point at or near Peninsula Harbor northerly a distance not exceeding ten miles, a cash subsidy of \$3,000 a mile—\$30,000. 30

2. The granting of the subsidy hereinbefore mentioned to the Irondale, Bancroft and Ottawa Railway Company is subject to the condition that the Lieutenant-Governor in Council may at all times require the said company to secure to the Toronto, Lindsay and Pembroke Railway Company such running powers, traffic arrangements and other rights over and in respect of the line of the said Irondale, Bancroft and Ottawa Railway Company between Bird Creek and Palmer Rapids, or any part thereof, as will afford to the Toronto, Lindsay and Pembroke Railway Company reasonable and proper facilities for running over the line of the Irondale, Bancroft and Ottawa Railway, or such part or parts thereof between Bird Creek and Palmer Rapids, as they may think requisite, at such fair and equitable mileage rates as the said companies may agree upon, or failing such agreement, as the Lieutenant-Governor in Council shall fix and determine; and in the event of the construction by the Toronto, Lindsay and Pembroke Railway Company of the line of railway between Bird Creek and Palmer Rapids, 35 40 45

the Irondale, Bancroft and Ottawa shall be accorded similar rights to those in this section conferred on the Toronto, Lindsay and Pembroke Railway Company.

3. Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies, shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations, the number of the same, and the intervals at which the stoppages shall be made at such stations for the accommodation of the public.

Information to be furnished by companies.

4. Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor-in-Council for the protection from fire of the woods and forests adjoining the line of railway, and shall also adopt the latest appliances which are in use for the said purpose.

Companies to comply with regulations.

5. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Lapse of subsidies not earned in five years.

6. The subsidies hereby granted shall be subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway, with railway supplies, structural iron and steel, rail fastenings and cement, rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as cheaply and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor-in-Council shall approve of the same being procured elsewhere.

Use of Canadian rolling stock, etc.

7. No cash subsidy or land grant, granted at the present session of the Legislature or heretofore or hereafter granted to any railway company by any Act of this Legislature, shall be deemed to be earned nor shall the same be paid, granted or conveyed, unless the rails, structural iron and steel, rail fastenings and cement used in the construction of the railway, or any part thereof hereafter constructed, to which such subsidy or land grant applies, shall have been manufactured in Ontario, provided that the rails, structural iron, steel, rail fastenings and cement necessary for such construction were procurable in Ontario, or if not procurable in Ontario, then elsewhere in the Dominion of Canada, at a price not greater than the open market price in Great Britain or the United States of America for rails, structural iron and steel, rail fastenings and cement of

Use of rails, etc., of Ontario manufacture.

similar make and quality, with the current freight rates from the place of shipment in Great Britain or the United States to the place where required in Ontario added thereto.

Companies
not to amal-
gamate, etc.,
without
sanction of
Lieutenant-
Governor.

8. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company or lease or transfer the railway or its franchises, or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under the management or control, in whole or in part, of any other railway or railways in any manner whatsoever, without the sanction of the Lieutenant-Governor in Council first had and obtained.

Conditions as
workmen.

9. The workmen, laborers, or servants employed in or about the construction of the said railway and each of them shall be charged fair and reasonable prices for any board, provisions, clothing and other necessities of life, and reasonable comfort supplied by the company, their agents or any person or persons authorized by the said company to supply such goods and accommodation; and upon the breach of any of the provisions of this section or in the event of exorbitant charges being made by the railway company, their agents or other person or persons authorized by the railway company, there may be deducted and retained from moneys payable in respect of such unearned subsidy or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper.

Drainage.

10. Suitable culverts and openings shall be made in water-courses and at other points where necessary, to provide for the proper flow of surface water from adjacent lands; and where-ever, under any Provincial Acts for the drainage of farm lands it is found necessary to construct a culvert or deepen or enlarge a culvert already made, the said railway companies, and each of them, shall as a condition upon which such subsidy is granted, with the approval of the Lieutenant-Governor in Council, be considered as "owner" of lands under the provisions of the "*Ditches and Watercourses Act*" and "*An Act respecting the Construction of Drains*."

Particulars of
cost of con-
struction.

11. Before any subsidy so granted is paid an attested statement signed by the president of the railway company aided shall be filed with the Commissioner of Public Works showing the cost in detail of each ten-mile section of roadbed, including the cost of land, fencing, grading, ballasting, rails, ties, culverts, bridges and all material and labor and expert services in connection therewith, and the said company shall, when required, produce and exhibit to the Commissioner of Public Works, or any person appointed by him, all books, accounts and vouchers, showing the cost of constructing the railway and the cost of operating it, with the earnings thereof.

12. Should the Lieutenant-Governor in Council at any time determine to acquire any of the said railways by arbitration or otherwise, or expropriate any such railway, the subsidy hereinbefore granted to the railway so acquired, together with one-half of the subsidy granted the said railway by the Government of the Dominion of Canada, shall be deemed part payment of the amount fixed as the price to be paid for the railway by the Provincial Government.

Government acquiring lines aided.

13. The Lieutenant-Governor in Council may instruct the Secretary of the Provincial Board of Health to enforce such reasonable sanitary regulations on the works and in the camps connected therewith during the construction of any of the said railways as may be deemed necessary to maintain proper sanitary conditions and accommodation, and contractors shall have at each camp a tent and stove where in case of emergency a patient suffering from a contagious disease may be isolated at once so as not to endanger the men in the camp.

Sanitary regulations at works and camp.

14. In addition to the provisions of *The Railway Act of Ontario* with respect to tolls to be taken or levied by the said companies, there shall be no secret special rates, rebates, drawbacks or concessions to favoured shippers nor any act or thing that will affect or prevent free competition in any line or lines of trade.

Rev. Stat. c. 207, s. 31, subs. 9, amended. Secret rates.

15. The right is hereby expressly reserved to the Government of the Province of Ontario, at any time after the expiration of ten years, to expropriate and take over any or all of the railways hereby aided.

Right of Government to expropriate lines.

16. The provisions contained in the Act, passed in the 63rd year of the reign of Her late Majesty Queen Victoria chaptered 30, and amendments thereto respecting pine timber on lands allotted under the said Act are incorporated in and shall be read as part of and applicable to lands allotted under the Act passed in the first year of His Majesty's reign and chaptered 23, in lieu of the provisions as to pine timber therein contained and the last mentioned Act is amended accordingly.

Carrying road-making material.

17. Section 14 of the said Act passed in the 1st year of His Majesty's reign chaptered 23, is repealed and the following substituted in lieu thereof:—

14. At any time after the completion of the company's railway and its steel car ferry, as set out in section 9 of this Act, the company shall, when required, produce and exhibit to the Commissioner of Public Works, or any person appointed by him, all books, accounts and vouchers, showing the cost of constructing and equipping the railway and car ferry and the works connected therewith and all other outlays, the cost of operating the same, and the earnings thereof, and the bonded indebtedness in respect thereof, and shall, if required, transfer

Right to expropriate Manitoulin and North Shore Railway.

the said railway and car ferry and the works connected therewith and all its franchises respecting the same, and all rights and titles to the said railway and car ferry, including terminals, and all its real estate and personal property, including leases, contracts of carriage, and of every other description whatsoever, used or enjoyed along with, or in relation to said railway and car ferry as a component part thereof (save and excepting the lands to be granted to the company hereunder, so far as by law assignable, to His Majesty the King as represented by the Commissioner of Public Works for Ontario, upon being paid the then value of the said railway, car ferry, works, franchises, rights and property, after deducting the value of the subsidies hereinbefore granted, computed at the rate of fifty cents per acre, and after further deducting an amount equal to fifty per centum of any subsidies which now or shall hereafter have been paid to the said company by the Parliament of Canada, which value to be paid shall not be less than the actual cost of the said purchased property with ten per centum added; and, in the event of dispute as to such value, the same shall be determined by arbitration; provided that to the extent of such purchase price the bonds or debentures of the company secured by mortgage, the total issue of which shall not in any event exceed the actual cost of the road, shall be continued, and the assumption of the said purchased property by the Crown shall be subject thereto. The said option or right to purchase as aforesaid shall be exercised within fifteen years from the passing of this Act, otherwise this provision shall become null and void.

Application of provisions as to payment of grants in scrip.

18. The times fixed for the commencement and completion of the Toronto, Lindsay and Pembroke Railway are hereby extended for three years beyond the respective periods fixed therefore by the Act of incorporation, passed in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 105.

19. Each of the said railways shall be obliged, upon the request of any township or county municipality through which the road passes, to carry roadmaking material, gravel or stone, required for improving any of the roads within such municipality, at the actual cost of handling and carriage.

Application of Rev. Stat. cap. 155, 1897.

20. All the provisions of section 2 of chapter 35 of the Act passed in the 52nd year of Her Majesty's reign respecting the option of substituting half yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3, of the said Act, shall apply to the grants hereby made and to the grants made by the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, chaptered 29.

68 Vic., cap. 26.

21. All the provisions of *The Act to Secure Payment of Wages for Labor Performed in the Construction of Public*

Works, of The Act respecting Subsidies to Railways and to encourage the Manufacture of Railway Steel and Iron in the Province, and of The Ontario Railway Act, shall apply to the subsidies granted by this Act and the wages paid on any of
5 *the said works shall be such as are generally accepted as current for competent workmen in the respective districts where such railways are to be constructed.*

No. 214.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act respecting aid to Certain Railways.

First Reading, 12th March, 1902.

Mr. LATCHFORD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the King's Most Excellent Majesty.

An Act to Provide for the Incorporation of Towns in
Territorial Districts

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The inhabitants of any locality in any of the Districts of
5 Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder
Bay and Rainy River, or partly in one and partly in another
of said Districts, and whether or not such locality or any por-
tion thereof lies within an existing municipal corporation, such
locality having an area of not more than seven hundred and
10 fifty acres, and having a population of at least five hundred
souls, may be constituted a body corporate in the manner here-
inafter provided to be called "The Corporation of the Town
of "

2. The Lieutenant-Governor, upon the receipt of a petition
15 signed by at least seventy-five male inhabitants of any such
locality, of the age of twenty-one years or over, which petition
shall set out the metes and boundaries of the locality, and, ap-
proximately the number of persons resident therein, and about
the area in acres of such locality, may, by Order in Council
20 issue a proclamation under the Great Seal of the Province, de-
claring that from and after a day to be named therein, the said
inhabitants shall be constituted a body corporate under the
name of "The Corporation of the Town of " (naming
the same), and such proclamation shall also describe the limits
25 of the town, and shall state the date and place for the nomi-
nation of candidates for the first election of the municipal council
of the town and the date and place for holding the said nomi-
nation and election, and shall appoint a returning officer to hold
the said election, and shall name the time and place for sum-
30 ming up the votes and declaring the result of the election, and
the time and place for the first meeting of the council of the
town.

3. The duties, powers and privileges of every town incor-
porated under this Act and of the council thereof, shall be
35 similar to the duties, powers and privileges of towns, separated
for municipal purposes from counties, and of the councils thereof
under *The Municipal Act*, and the powers of such town shall
be exercised by the council thereof.

4. The council of every such town shall consist of a mayor, who shall be the head thereof, and six councillors, to be elected by general vote.

5. Except as otherwise provided in this Act, all provisions of *The Municipal Act* which apply to first nominations and elections and to persons engaged in, or connected with, the holding of the same, and to the qualifications and disqualifications of electors and members of the councils, in new municipalities incorporated or erected under the provisions of the said *The Municipal Act* and to matters precedent, concurrent and subsequent to such nominations and elections, but connected therewith, or incidental thereto; and the provisions of all other general Acts which apply to such first nominations and elections, persons, qualifications, disqualifications and matters, shall, so far as can be, apply to the first nominations and elections, and to persons engaged in, or connected with the holding of the same, in towns incorporated under this Act, and to the electors therein, and to the councils thereof, and to the members of such councils.

6. Except as otherwise provided in this Act, the returning officer, named in the proclamation, shall, respecting the first nomination and election of the members of the council of any town incorporated under this Act, and respecting all matters pertaining or incidental thereto, perform all the duties, and be possessed of all the powers and privileges, required of and conferred upon clerks of municipalities by *The Municipal Act* respecting the first nominations and elections, and matters pertaining or incidental thereto in new municipalities incorporated or erected under the provisions of the said *The Municipal Act*; and the said returning officer shall be the clerk of such town until his successor is appointed and sworn in, in the manner provided in *The Municipal Act*.

7. All municipal elections subsequent to the first, in towns incorporated under this Act shall, subject as hereinafter mentioned, be held at the times, and conducted in the manner provided by *The Municipal Act* but in no case shall the second election be held within a shorter period than six months from the date of the first election.

8. In case any locality, the inhabitants of which are incorporated as a town under this Act, was formerly wholly or partly within the limits of another municipality howsoever incorporated, the said town, shall by virtue of such incorporation be separated from such other municipality for municipal purposes, and all the provisions of *The Municipal Act* respecting the matters consequent upon the incorporation or erection of new municipalities and the separation of lands from existing municipalities shall, so far as can be, apply to such cases of incorporation as aforesaid under this Act.

9. The provisions of *The Municipal Act* relating to matters consequent upon the formation of new corporations, and all the provisions of the said Act, and of all other general Acts applicable to towns incorporated or erected under *The Municipal Act* and separated for municipal purposes from counties, shall, so far as can be, and except as otherwise provided by this Act, apply to towns incorporated under this Act and to councils and officers thereof.

10. The expense incurred in procuring incorporation of a town under this Act, and in all matters whatsoever connected therewith or incidental thereto, shall be borne by the town so incorporated, and paid by it to any party entitled thereto.

11. The Act passed in the first year of His Majesty's reign and chaptered 27 being *An Act to provide for the incorporation of Towns in Territorial Districts* is repealed.

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act to provide for the Incorporation of
Towns in Territorial Districts.

First Reading, 12th March, 1902.
Second Reading, 12th March, 1902.

Mr. CONNIE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 216.

An Act to amend the Election Act. *Not Printed.*

MR. CARNEGIE.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and two and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand nine hundred and two; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of four million and two hundred and seventy-six thousand and twenty-five dollars and fifty-six cents, for defraying theseveral charges and expenses of the Civil Government of this Province for the year one thousand nine hundred and two as set forth in Schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred and three as set forth in Schedule B to this Act.

\$4,276,025.56
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Accounts to be
laid before the
Legislative
Assembly.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand nine hundred and two, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior

Unexpended
moneys.

to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to His
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE A.

SUMS granted to His Majesty by this Act for the year one thousand nine hundred and two, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Lieutenant-Governor's Office	\$ 3,805 00	
Attorney-General's Department	17,800 00	
Education Department	19,750 00	
Crown Lands Department	69,750 00	
Public Works do	30,950 00	
Treasury do	30,775 00	
Provincial Secretary's Department	20,200 00	
Inspection Public Institutions	18,000 00	
Audit, License and Justice Accounts	10,150 00	
Registrar-General's Branch	12,700 00	
Provincial Board of Health	8,050 00	
Department of Agriculture	19,560 00	
Insurance Branch	8,550 00	
Neglected Children's Branch	6,100 00	
Miscellaneous	12,500 00	
		<hr/>
		\$288,640 00

LEGISLATION.

To defray expenses of Legislation \$133,100 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice \$452,048 94

EDUCATION.

To defray expenses of :—

Public and Separate School Education	\$482,249 87	
High Schools and Collegiate Institutes	119,175 00	
Library and Museum	8,050 00	
School of Practical Science	30,150 00	
Public Libraries, Art Schools, Literary and Scientific	61,100 00	
Technical Education	15,000 00	
Miscellaneous	13,825 00	
Superannuated Public and High School Teachers	61,300 00	
		<hr/> \$790,849 87

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto	\$101,729 00	
Asylum for the Insane, London	128,018 00	
Asylum for the Insane, Kingston	76,546 00	
Asylum for the Insane, Hamilton	125,017 00	
Asylum for the Insane, Mimico	75,558 00	
Asylum for Insane, Brockville	76,713 00	
Asylum for Senile Patients, Cobourg	30,858 00	
Asylum for Idiots, Orillia	62,718 00	
Central Prison, Toronto	62,450 00	
Ontario Reformatory for Boys, Penetan- guishene	26,550 00	
Institution for the Deaf and Dumb, Belleville.	45,634 00	
Blind Institute, Brantford	32,851 00	
Andrew Mercer Reformatory for Women and Refuge for Girls, Toronto	26,075 00	
		<hr/> \$870,717 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration	\$4,825 00
--	------------

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	\$230,526 00
--	--------------

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$187,755 69
--	--------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$ 8,700 00
Parliament and Departmental Buildings	40,740 00
Education Department (Normal School Build- ing)	7,800 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.—*Continued.*

Miscellaneous	3,750 00	
Normal School, Ottawa	4,900 00	
Normal School, London	2,900 00	
School of Practical Science	4,125 00	
Agricultural College	8,200 00	
Osgoode Hall	8,980 00	
		<hr/> \$90,095 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 7,707 00	
do Mimico	6,325 00	
do London	28,295 00	
do Hamilton	8,260 00	
do Kingston	10,000 00	
do Brockville	6,855 00	
do Cobourg	23,400 00	
Asylum for Idiots, Orillia	7,600 00	
Central Prison, Toronto	8,400 00	
Reformatory for Boys, Penetanguishene	4,450 00	
Reformatory for Females, Toronto	7,749 12	
Blind Institute, Brantford	2,800 00	
Deaf and Dumb Institution, Belleville	3,545 00	
Agricultural College and Experimental Farm, Guelph	35,800 00	
Normal and Model Schools, Toronto	1,150 00	
Normal and Model Schools, Ottawa	3,200 00	
Normal School, London	3,350 00	
School of Practical Science, Toronto	8,250 00	
School of Practical Science, New Building	100,000 00	
Osgoode Hall, Toronto	2,000 00	
New Parliament Buildings	900 00	
District of Algoma	4,600 00	
Thunder Bay District	1,300 00	
Muskoka District	2,000 00	
Parry Sound District	1,450 00	
Nipissing District	1,900 00	
Rainy River District	4,300 00	
Reformatory for Boys, Oxford	30,000 00	
		<hr/> \$325,586 12

PUBLIC WORKS.

To defray expenses of Public Works	\$93,401 00
--	-------------

COLONIZATION ROADS AND MINING ROADS.

To defray expenses of Construction and Repairs	\$171,375 00
--	--------------

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$180,025 00
--	--------------

REFUNDS.

Education	\$ 1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	486 64	
Land Improvement Fund	2,579 98	
	<hr/>	\$22,566 62

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$304,514 32
---	--------------

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	50,000 00
Total estimates for expenditure of 1902	<hr/> \$4,196,025 56

SCHEDULE B.

SUM granted to His Majesty by this Act for the year one thousand nine hundred and two and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1903.....	\$80,000 00
Total.....	<hr/> \$4,276,025 56

5th Session, 9th Legislature,
2 Edward VII., 1902.

BILL.

An Act for granting to His Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred and two and for other purposes therein mentioned.

First Reading, 13th March, 1902.
Second Reading, 13th March, 1902.
Third Reading, 13th March, 1902.

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the King's Most Excellent Majesty.

